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President:	Mrs. Alvear Valenzuela	(Chile)
Members:	Algeria	Mr. Bencherif
	Angola	Mr. Gaspar Martins
	Benin	Mr. Adechi
	Brazil	Mr. Cardoso
	China	Ms. Jiang Ning
	France	Mrs. D'Achon
	Germany	Mr. Much
	Pakistan	Mr. Shah
	Philippines	Mr. Lacanilao
	Romania	Mr. Dumitru
	Russian Federation	Mr. Knyazev
	Spain	Ms. Menéndez
	United Kingdom of Great Britain and Northern Ireland	Ms. Moir
	United States of America	Mr. Olson

Agenda

Post-conflict national reconciliation: role of the United Nations

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04-22028 (E)

The meeting resumed at 3.10 p.m.

The President (*spoke in Spanish*): I shall now make a statement in my capacity as Minister for Foreign Affairs of Chile.

Chile proposed to the members of the Security Council the holding of this open debate on post-conflict national reconciliation and the role of the United Nations in the conviction that the reconciliation of societies fractured by conflict is a condition indispensable for the achievement of lasting peace. Without it, conflicts can re-emerge and become new crises for the Council.

After conflicts, societies face many challenges: demands for justice and accountability, the search for truth, compensation for victims, the rule of law, stability and the building of a future without losing sight of the past. The objective of this debate is to consider ways in which the United Nations can systematize experiences that will enable it to identify elements associated with reconciliation processes in the context of post-conflict strategies. The traumatic consequences of a crisis require that a moral, institutional and socio-economic reconstruction process be able to build a new order in which there is a sense of belonging, thereby avoiding a return to the conflict situation.

Reconciliation is not a utopian objective; it is the collective response of a society emerging from crisis whose fabric has been torn asunder. Reconciliation puts an end to the cycle of violence, laying the foundations for a new coexistence. Efforts must be focused on creating conditions that promote reconciliation, which can in no way be imposed. That is a complex task in which we need to consider the diversity of the historical experiences — namely, the political and socio-cultural realities — of the affected country.

It is in the post-conflict stage that the United Nations has an opportunity to contribute to the moral and material rebuilding of institutions. The Organization's responsibility goes beyond restoring peace and minimum conditions for security after a conflict; it involves cooperation to restore the capacity for dialogue between the various social actors, respect for diversity and the will to work on a common project.

The United Nations has had and must maintain the status of an independent and legitimizing body whose purpose is to guarantee conditions for a stable peace. The multidimensional nature of the concept of reconciliation offers the United Nations a broad range of options for post-conflict action. It is in that light that we must view efforts aimed at restoring civil institutions, establishing or reforming judicial systems, adopting measures to strengthen respect for human rights and promoting democracy. A reconciliation strategy must have as its basic principles truth, justice and compensation, which should be accompanied by vital economic and social policies.

Together with judicial action, the path to reconciliation requires clear moral and material compensation policies for victims and their families. The promotion and protection of human rights and of international humanitarian law must inform such policies in order to guarantee and strengthen peace.

Reconciliation processes must take into account the particularities of each situation. What is appropriate in one place and at a given time may not be appropriate in other circumstances. There are no universal formulas for achieving reconciliation.

We think reconciliation is a key dimension of the work that the United Nations can do in the post-conflict stage. We should consider a comprehensive coordination effort within the system. We believe that that objective will be facilitated with the establishment of a focal point to coordinate United Nations action on issues concerning reconciliation in its principal organs, in peacekeeping operations, in the work of special representatives and envoys of the Secretary-General, in the activities of high commissioners and in United Nations agencies and programmes. Such a comprehensive effort should also extend to financial institutions, regional organizations, civil society and national and local bodies.

Peacekeeping operations must continue to make progress with regard to the inclusion of experts with practical experience in post-conflict reconciliation. An appropriate reconciliation strategy must take into account the role played by women in the peace-building process and the contributions that they can make to the design and implementation of reconciliation strategies. Reconciliation programmes must also take into account the special needs of boys and girls affected by war.

We trust that the outcome of this debate will enable us to make progress so that the United Nations can help to end the cycles of crisis that disrupt national

and regional stability and world peace. We face an important challenge for the Organization, for the realization of universal values and for the building of a world in which peace and justice prevail.

I now resume my functions as President of the Security Council.

I should like to inform the Council that I have received a letter from the representative of Cameroon, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, the representative of Cameroon took the seat reserved for him at the side of the Council Chamber.

The President (*spoke in Spanish*): I wish to remind all speakers of what I indicated during the morning session: I ask them to kindly limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate their text in writing and to deliver a condensed version when speaking in the Chamber.

Also, I shall not individually invite speakers to take a seat at the table and invite them to resume their seats at the side of the Chamber. When a speaker is taking the floor, the Conference Officer will seat the next speaker at the table. I thank representatives for their understanding and cooperation.

The next speaker inscribed on my list is the representative of Ireland.

Mr. Ryan (Ireland): I have the honour to speak on behalf of the European Union. The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia; the candidate countries Bulgaria, Romania and Turkey; the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia and Serbia and Montenegro; and the European Free Trade Association countries members of the European Economic Area, Iceland and Norway, align themselves with this statement.

Madam President, we are again honoured by your presence today, and we are grateful to Chile for organizing this important debate. We also wish to express our appreciation for the thoughtful and informative briefings that Mr. Tuliameni Kalomoh, Assistant Secretary-General for Political Affairs, Mr. Mark Malloch Brown, Administrator of the United Nations Development Programme and Ms. Carolyn McAskie, Deputy Emergency Relief Coordinator, gave the Council this morning. Our theme today — the role of the United Nations in assisting national reconciliation in post-conflict situations — deals, in many ways, with the essence of our aspirations for countries emerging from conflict: the healing of old hurts and a fresh start based on collective acknowledgement of the past and some sort of shared vision for the future.

National reconciliation is both a process and the goal. On many of the issues already or currently being addressed by the Security Council — peace-building, disarmament, demobilization and reintegration (DDR), economic reconstruction, establishment of the rule of law, creation of institutions to promote and protect human rights and fundamental freedoms, and addressing the issue of impunity — we must keep in mind that end goal of a new dispensation by which a once divided people can feel that their concerns and their needs are acknowledged and addressed. The Council has addressed a number of these interlocking issues, including most recently in September 2003 under the United Kingdom presidency, when it examined the issue of justice and the rule of law and the role of the United Nations. The then presidency of the Council described that meeting as the start of a process. Today the Council continues that process. We believe that in the future, it could also engage in a dialogue with the Economic and Social Council in furthering this agenda.

Post-conflict situations pose numerous and formidable challenges. The European Union believes that only by the adoption of a comprehensive and concerted approach to all peace-building challenges can the process towards longer-term political stability and societal well-being be confidently begun. The United Nations is in a unique position to deliver an

integrated approach bridging political, peacekeeping, humanitarian, human rights, judicial and development actors.

As far back as April 2001, in his report to the Security Council entitled "No exit without strategy: Security Council decision-making and the closure or transition of United Nations peacekeeping operations" (S/2001/394), the Secretary-General remarked that reconciliation cannot be imposed. Lasting national reconciliation will always prove elusive without sustained national commitment at the governmental and institutional levels.

Experience suggests that some broad principles to underpin national reconciliation can be developed, even though their application will have to be tailored to each situation. Among these are, first, inclusiveness. National reconciliation will not take root if some groups or sections of the population are excluded from the process of nation-building. In this regard, greater attention should continue to be paid to the role of women.

The second principle is transparent equality of treatment. It is important that all sections of the population be treated equally before the law, as well as in access to services such as education and employment, and that the rights of minorities are adequately protected.

The third principle is social and economic integration. For peace to be sustainable, warring factions must be brought together, clear understandings must be reached and integration or reintegration must take place. The focus of DDR programmes is on former combatants. This is painstaking but vitally important work. For the reintegration of former combatants to be successful, it is important that measures be taken to stimulate local and national economic activity in order to avoid the creation of a vacuum in which illicit activity becomes attractive. It is equally important, in this regard, that attention is paid to the legitimate economic and social needs of civilian populations, whose lives and livelihoods have often been destroyed as a result of conflict. The equitable sharing of resources between communities may also be mentioned in this context.

The fourth is reform of institutions. This is necessary to ensure that inequalities of the past are not repeated.

The fifth principle is constitutional reform. In many cases, a new beginning will require the fundamental rewriting of an existing constitution or the elaboration of a new constitution.

The sixth is healing. Fully normalized circumstances cannot be realized in the absence of a firm resolve to heal the psychological wounds inflicted during times of conflict. Crucially, transitional justice mechanisms, as the Secretary-General observed last September "need to concentrate not only on individual responsibility for serious crimes but also on the need to achieve national reconciliation". (*S/PV.4833, p. 3*)

The seventh principle is the promotion and protection of human rights and fundamental freedoms. The provision of human rights education and the raising of public awareness should be considered.

The eighth is parity of esteem. In many cases, it may be necessary to adopt measures to ensure that differences of ethnicity, culture or religious tradition are acknowledged and respected.

The ninth is reconciliation programmes which acknowledge and address the suffering of the victims of violence as a necessary element of reconciliation. Naturally, these may take various forms, and the particular circumstances in the affected country need to be taken into account.

The tenth principle is post-conflict environmental assessment. Analysing the environmental effects of conflicts is also important for national reconciliation, and its neglect could cause delay in the reconstruction process. In that context, the European Union recognizes the important role played by the United Nations Environment Programme.

In concrete terms, two aspects of the continued dedication of the United Nations to the cause of national reconciliation might be mentioned. First, national reconciliation is a primary objective in United Nations peacekeeping and peace-building operations in post-conflict States. Many peacekeeping or peace-building operations may be mentioned in this context. They include Angola, Afghanistan, East Timor, Kosovo and Burundi; the engagement of the Security Council in Sierra Leone, Liberia and Côte d'Ivoire are further examples in this regard. There are still challenges of enhanced cooperation and coordination among the relevant United Nations actors at the field level, in particular between the political and the development

actors. We therefore urge the various entities of the United Nations to continue their efforts of enhanced collaboration. We also urge that aspects of national reconciliation become integral parts of collective United Nations country strategies. In this regard, we would also highlight the need for enhanced cooperation with the Bretton Woods institutions. For the donor community, a particular challenge is the provision of adequate financial resources during the transition phase.

Secondly, genuine national reconciliation is often beyond reach unless those responsible for egregious crimes are held to account. The ongoing work of the International Criminal Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda, the Special Court for Sierra Leone, the initiative to prosecute former members of the Khmer Rouge in Cambodia and the judicial mechanisms put in place in post-conflict East Timor and Kosovo are testimony to the United Nations firm belief in and commitment to this aspect of fostering national reconciliation.

However, it is worth bearing in mind the note of caution expressed last September by the Secretary-General to the effect that, at times, attempts to balance the demands of peace and justice can pose a difficult dilemma. Ultimately, each society needs to form its own view about how to strike the right balance between the goals of penal justice and reconciliation.

While a balance must be struck, the European Union also agrees with the Secretary-General that there should be no granting of amnesties for war crimes, genocide, crimes against humanity or other serious violations of international human rights and humanitarian law.

Many member States of the European Union have actively contributed to the establishment and proper functioning of the International Criminal Tribunals in The Hague and Arusha from the time of their inception. Recognizing its importance, the European Commission has recently made a contribution to the Special Court for Sierra Leone. A number of European Union member States have also contributed significant amounts in their own right to the Special Court. The European Union has, in addition, offered both political and financial support to national truth and reconciliation commissions and initiatives in a number of United Nations Member States.

The European Union also strongly believes that the International Criminal Court provides a powerful, permanent instrument of deterrence against genocide, crimes against humanity and war crimes. The European Union remains firmly committed to the Court's effective functioning, being of the view that, in addition to providing a powerful deterrent to would-be tyrants, it is also an essential means of promoting respect for international humanitarian law and human rights law, thus contributing to freedom, security, justice and the rule of law and to the preservation of peace and strengthening of international security.

The main burden, however, for prosecuting those responsible for atrocities will have to be carried by domestic legal systems. The restoration of domestic legal systems and support for domestic legal prosecutions is therefore a crucial task for the international community in post-conflict situations and in countries at risk.

Because of its nature, reconciliation relates closely to, or includes, the issue of justice. It is also difficult to address reconciliation without taking into account the rule of law, not least from a preventative perspective. The European Union therefore believes that the report being prepared by the Secretary-General as a follow-up to the Security Council debate in September on justice and the rule of law and the role of the United Nations, could benefit from taking into account some of the observations articulated today.

Finally, in an address to the Commissioners of East Timor's Truth, Reception and Reconciliation Commission in May 2002, the late Sergio Vieira de Mello stated:

> "You have been called to help reconcile the divisions and hurt amongst your people. No task is more ... crucial if a society split by terror and politics is to regenerate and become a place where human dignity is respected."

By its very nature, national reconciliation is one of the more tortuous and protracted challenges confronting post-conflict States. If painful political experience has taught us one thing, however, it is that the cathartic process of national reconciliation is a sine qua non for achieving lasting stability.

The President (*spoke in Spanish*): I thank the representative of Ireland for the kind words he addressed to me.

I now give the floor to the representative of Croatia.

Mr. Drobnjak (Croatia): Croatia aligns itself with the European Union statement on the important topic we are dealing with today. Nonetheless, I would like to add some further points stemming from Croatia's hard-earned experience on the matter.

The complexity of post-conflict management could probably be best explained through the metaphor of growing a tree. To grow a strong and long-lasting tree with deep roots and wide branches, many components are required, such as soil, water, sunshine and nutrition. But, above all, time and patience are of the essence. Unfortunately, in many post-conflict areas, the international community's approach sometimes lacks both in trying to achieve too many things in too little time.

Like the growth of a tree, post-conflict reconciliation cannot be rushed. It can be assisted through political, financial, technical and other means, but it cannot be imposed from the outside. Like a tree, when the moment is right, it will grow and blossom. If it is not yet an opportune time, if it is still early in the process, external pressure can only damage the fragile growth.

There is an important distinction between confidence-building and reconciliation. The former is a crucial prerequisite for the latter, and only when the two sides gain confidence in each other can the process of reconciliation begin. To ignore the differences between the two will slow down the process. The respective populations at the grass-roots level are fully aware of these differences. This is a fact no international mediation or assistance effort should overlook. In this highly sensitive process, one must carefully listen to the voices of the region, of the nations and of the individuals concerned and respect them.

From the pragmatic point of enhancing the efficiency of our efforts, it would be more than useful to precisely define what the two terms — confidence-building and reconciliation — consist of, and to keep those definitions in mind while conducting the international community's work on the ground.

From our point of view, pivotal confidence-building measures are, among others, the return of refugees and displaced persons, exchange of data on missing persons, strengthening stability along borders, arms-verification mechanisms, joint projects aiming at cross-border cooperation and the fight against organized crime, sport competition, and economic cooperation, based primarily on private entrepreneurship.

Allow me to briefly point out, starting from Croatia's experience, two key components that serve as the bedrock for post-conflict confidence-building and consequent reconciliation. These are prospects and justice.

Providing the population in war-torn areas with the prospect of a better life is the best possible investment in national and regional stability. These prospects go way beyond basic economic categories, although providing steady jobs for the respective population, especially for former combatants, remains an unsurpassed priority. A quest for new vehicles of cooperation and coexistence that will provide a secure framework for democratic and economic prosperity is what former enemies usually have in common. The international community should assist them as much as possible to fulfil this quest fruitfully and in the shortest possible time.

Commonly shared goals and interests are at the core of the confidence-building process. The prospect of joining the European Union, for example, serves as a strong incentive for all the countries in the area of the former Yugoslavia, initiating a number of far-reaching reforms in the fields of the economy, justice and domestic affairs.

Because of the strategic importance of this prospect for every individual and for the country as a whole, it is of the essence not to blur it or put it beyond reach. The prospect has to be clearly defined and the road towards it must be cleared of moving benchmarks and ever-growing conditionalities.

Over the last decade, it has become evident that the issue of justice tops the agenda that has to be addressed in post-conflict societies.

When respective countries are unwilling or unable to face the responsibility of crimes themselves, the international community has to be ready to step in. On the other hand, we should encourage domestic judicial systems to deal with this pivotal issue and, once the conditions are fulfilled, to transfer to domestic courts as many war crimes-related files as possible.

Justice is often referred to as a parent to peace. It is indisputably an essential part of confidence-building and reconciliation. In addition to that, amnesty and forgiveness are equally important elements of the healing process in fragile post-conflict societies. However, we must be aware of the fact that, as much as they can reconcile, these approaches can add to the polarization of societies. That is why any external influence has to be carefully measured in order to strike the right balance between judicial and non-judicial means in achieving confidence-building.

Justice has to be served, but a historical record that leaves no room for misinterpretation must be preserved as well. Forgiveness does not necessarily include forgetfulness. History should not dictate the course of the future or be pushed into oblivion. Justice well and justly served fortifies a country's political stability by creating a new moral climate centred around the rule of law and respect for human rights, while avoiding denial about the past and the causes of conflict.

In conclusion, let me emphasize that Croatia remains determined to continue promoting confidence-building and good-neighbourly relations throughout South-East Europe. In this respect, I would like to conclude by quoting the newly-appointed Prime Minister of Croatia, Mr. Ivo Sanader, who recently stated:

> "It is with renewed courage that we build a more tolerant society, a society of patience and trust, so as to achieve the victory of forgiveness and compassion over the challenges of divisions and disparities."

The President (*spoke in Spanish*): I call on the representative of Sierra Leone.

Mr. Rowe (Sierra Leone): This is the fourth statement in two weeks by the delegation of Sierra Leone in the Security Council. The frequency of our appearance before the Council within this short period is an indication of the relevance to Sierra Leone of the issues on the Council's agenda and of the high level of seriousness our Government attaches to these issues. To Sierra Leone, a poor country struggling to recover from one of the most horrendous conflicts in recent years, these issues are matters of life and death. My delegation appreciates the opportunity to express its views on them.

As a country in a post-conflict phase, Sierra Leone heartily welcomes this debate on the role of the United Nations in post-conflict national reconciliation. The fact that we are here to define the role of the United Nations in this phase of the peace process underscores the Council's understanding of the decisive significance of the phase in the pursuance of sustainable peace. While our contribution to the debate is based mainly on our own situation, there is no doubt that what obtains in Sierra Leone could be applied to other post-conflict situations, especially in Africa.

Our practical experience in Sierra Leone irrefutably confirms that reconciliation is the single most important aspect of post-conflict peace management. The guns may be silent — and, indeed, they have been silent for nearly two years now — but the divisions remain and reveal themselves in many ways, some in subtle ways, others in overt ways. We are aware that these differences can only disappear if the wounds of the war are healed and the scars are seen only as reminders of conflict-relapse prevention. We are also aware that genuine national reconciliation is a process that is driven by the courage to forgive, the common sense of peaceful coexistence, a deep sense of belonging that compels parties to the conflict to compromise in the interest of their country, and the desire to participate in the effort to address the issues that engender discord.

In its quest to promote national reconciliation as the pivot of durable peace, Sierra Leone has instituted two accountability mechanisms that are running rather uniquely concurrently. These are the Truth and Reconciliation Commission and the Special Court, established on the principles that meaningful peace is possible only with proper understanding of the causes and character of the conflict, and that peace without justice is like a house without foundation.

Specifically, the Commission, with no punitive power, has the responsibility to create an impartial historical record of violations and abuses of human rights and international humanitarian law related to the armed conflict in Sierra Leone, to address impunity and respond to the needs of victims, to promote healing and reconciliation, and to prevent a repetition of the violations and abuses suffered. The fact that both our President and the minority leader of Parliament have testified before the Commission emphasizes the importance the leaders and people of Sierra Leone attach to it as a national reconciliation mechanism.

On the other hand, the Special Court has been set up to try those who bear the greatest responsibility for human rights excesses committed in the conflict, thus facilitating national reconciliation through justice.

The history and operation of these two transitional post-conflict institutions in Sierra Leone, especially the Special Court, and similar institutions elsewhere are very well known to this Council. The Special Court in particular is a joint creation of Sierra Leone and the United Nations. They demonstrate that the United Nations is in fact playing major roles in post-conflict national reconciliation, especially to ensure that people are held accountable for human rights excesses in conflict, to promote the rule of law, to eliminate the culture of impunity and to promote constitutionally legitimate ascendancy to political leadership — all of which have considerable contributions to make to national reconciliation.

Already, United Nations agencies, notably the United Nations Development Programme and the United Nations Children's Fund, are engaged in activities that are fundamental to national reconciliation in Sierra Leone. In my delegation's view, therefore, the United Nations should now expand these activities in the following ways.

First, since the post-conflict phase is absolutely critical in the transition from conflict to durable peace, it should be made an integral part of all United Nations peacekeeping operations.

Second, as the most important element of the post-conflict phase, national reconciliation activities should be adequately funded and intensively and extensively monitored and evaluated by the United Nations. Properly designed and executed, post-conflict programmes can serve as a barometer of successes in the peace process.

Third, the United Nations should work closely with civil society groups, formal and non-formal institutions, and traditional and cultural leaders to promote national reconciliation in post-conflict phases.

Fourth, the United Nations should conduct a comprehensive assessment of the post-conflict national reconciliation needs of every conflict, bearing in mind the causes, nature and consequences of the conflict and the welfare of the victims, who are critical in national reconciliation.

Fifth, a United Nations committee to facilitate and coordinate the reconciliation activities of every post-conflict situation should be formed.

Sixth, a mechanism for post-conflict reconciliation should be included in all peace agreements, as in, for example, the Sierra Leone 1999 Lomé Peace Agreement, in which some mechanisms — notably a Truth and Reconciliation Commission, a Commission for the Consolidation of Peace and a National Commission for Democracy and Human Rights — were provided for.

Seventh, the United Nations should actively support the process of reintegration as an essential component of national reconciliation, with special focus on ex-combatants.

Although this debate is on post-conflict national reconciliation, I would like to remind everyone that there is hardly any conflict in the world today without a regional and/or international dimension — at least, I cannot think of any conflict in Africa today that is an exception to that. Measures to address post-conflict national reconciliation, therefore, should go beyond national boundaries and actively engage external players. The fact is that the fate of some countries in conflict is inextricably bound up with the fate of neighbouring countries. The role of regional organizations such as ECOWAS, with the support and collaboration of the United Nations, in regional and bilateral reconciliation will be critical in that respect.

In conclusion, post-conflict national reconciliation can be a long and expensive process, depending, of course, on the cause, duration, character and effects of the conflict and the willingness or readiness of the parties to the conflict to reconcile. The best results can be achieved if these issues are addressed immediately after the cessation of active hostilities. A vacuum can result in costly reversals, and since the United Nations cannot afford reversals in its peacekeeping efforts, post-conflict national reconciliation should be compulsory and of high priority on its peacekeeping operations agenda.

Let me conclude by reminding the Council that the success story of the United Nations peacekeeping operation in Sierra Leone will never be complete without adequate and sustained support for post-conflict national reconciliation, bearing in mind that national reconciliation is the guarantee for lasting peace, security and development.

The President (*spoke in Spanish*): The next speaker on my list is the representative of Egypt, on whom I now call.

Mr. Aboul Gheit (Egypt) (*spoke in Arabic*): The issue of post-conflict national reconciliation is of special importance as we consider the future role of the United Nations in peacemaking, peacekeeping and peace-building. No one can overestimate the importance of national reconciliation in rehabilitating societies that have suffered as a result of bitter armed conflict, given the impact of such conflict on the social fabric and economic infrastructure of the States and regions concerned. National reconciliation can help them to start a new chapter and look forward to a future of peaceful coexistence, cooperation and common objectives and interests.

In our view, consideration of the role of the United Nations in national reconciliation should take into account a number of issues and elements. First, national reconciliation processes are, by nature, long-term, since in large part they fall within the concept of peace-building, although preparations for setting up an administrative infrastructure for such processes begin at an early stage in peacekeeping operations. While the main features of the direct role of the United Nations in peacekeeping have become clear — in keeping with the Brahimi report — that role still requires additional definition and clarification with a view to further developing practical ways in which the United Nations can contribute.

Secondly, the requirements and components of national reconciliation operations differ in accordance with the nature of the conflict in question and its historic, cultural, social, political and economic dimensions. The principal means by which the international community can ensure that its efforts support national reconciliation is for it to recognize that no single model can be imposed on all conflicts. Each one should be dealt with in accordance with its specific characteristics and those of the society in question.

Thirdly, ownership of national reconciliation by the parties to a conflict is one of the most important elements on which the international community's action should be based. The driving force is the will of individuals, groups and factions to accept reconciliation, let go of their grievances and bitterness and work to repair the damage that the conflict has done to the social fabric of the State. In this context, many important elements come into play, such as the administration of justice, the establishment of accountability, compensation for victims' families and balanced participation in the distribution of wealth and decision-making, apologies by the perpetrators to the families of victims, and an appropriate framework to ensure respect for and protection of human rights.

The international community has an important role to play in providing financial and technical support to transitional Governments and, at a later stage, to elected Governments, with a view to establishing the necessary frameworks to provide for all of these elements, including special tribunals, truth commissions, information strategies to enable individuals and groups to recover from the conflict and move to a phase of peaceful coexistence, and effective disarmament, demobilization and reintegration programmes.

Fourthly and lastly, economic incentives are one element that can contribute to national reconciliation processes. It is evident that the economic benefits of peace and stability generate a feeling of hope and optimism for the future, which in turn helps people to get over their feelings of hatred and makes vengeance and violence seem less attractive. In this context, international support should be provided in the form of rehabilitation projects and programmes to establish employment opportunities and to rehabilitate and reintegrate refugees and displaced persons.

In view of those general elements, there is no doubt that the United Nations role in post-conflict national reconciliation is one of support for national, regional and international efforts. In that context, we believe that the United Nations is equipped to coordinate all such efforts, with a clear strategy agreed among Member States that would govern the role of the Organization in peace-building after its peacekeeping mission has ended. That will require a true partnership among the Security Council, the General Assembly, the Economic and Social Council and all other parts of the international system.

The President (*spoke in Spanish*): The next speaker is the representative of Bosnia and Herzegovina, on whom I now call.

Mr. Kusljugić (Bosnia and Herzegovina): Thank you, Madam, for giving me the opportunity to make a statement on behalf of Bosnia and Herzegovina on such

an important issue. As members are aware, Bosnia and Herzegovina is still going through the process of post-conflict national reconciliation — a process in which the United Nations, together with the Peace Implementation Council and the Office of the High Representative, played a key role.

The topic of war and post-war reconciliation, though painful and somewhat embarrassing for us, is one that compels us to speak our mind. The topic is still so controversial that it is difficult for us to agree among ourselves, even though we have aligned ourselves with Ireland's statement on behalf of the European Union.

However senseless, devastating and tragic wars may be, they all are different. They differ in many ways: their nature, their goals, the causes that triggered them, how they ended, and their consequences. Yet they have one thing in common that should serve as a clear warning: they can happen anywhere, and to anyone. Fifteen years ago, living carefree lives in a prosperous country in the heart of Europe, none of us would have believed that a war of such proportions could occur. Yet it did, and it went on uninterruptedly — before the eyes of the entire world — for three and a half years, until the international community decided to put to an end to the suffering of civilians in Bosnia and Herzegovina and to enforce the peace.

With respect to lessons learned, we are certain that everyone will agree that the prevention of conflict and the development of efficient early-warning procedures are among the most important tasks facing the United Nations. The Dayton Peace Accords brought peace but failed to distinguish between the aggressor and the victim. Since that time, we have been methodically examining facts and figures related to the war.

The first fact — perhaps the only one every Bosnian citizen will agree upon — is that there was no winner. Rather, we all lost - each to a different extent, of course, but who can establish an objective measure of a personal loss?

Another fact that almost all parties to the conflict will agree on is that the war was imported to Bosnia and Herzegovina as part of a broader conflict in the region. There are differences of opinion in various parts of the country as to its origin, but, as trials progress at the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, the evidence presented and the verdicts delivered are leading to the conclusion that the totalitarian regime of then-President Milosevic devised a plan to divide Bosnia and Herzegovina by force, annexing the half, more or less, of Bosnian territory that contained his own nationals.

The Tribunal epitomizes the role of the United Nations in the process of post-conflict national reconciliation in Bosnia. Its main task is to prosecute persons responsible for war crimes, thus individualizing responsibilities and absolving nations of potential collective guilt. Its second main task is to establish the facts and set the historical record straight, since, as we established earlier, there was no winner to write the history of that war.

Searching for the truth is like putting together a gigantic jigsaw puzzle — there are so many pieces, and each has to fit in its place. Operative paragraph 17 of General Assembly resolution 57/10 calls for the Secretary-General

> "to submit a report on United Nations activities in Bosnia and Herzegovina during the period from 1992 to 2002, in view of the experience gained and lessons learned, as a positive contribution to future United Nations operations".

That report will, hopefully, provide us with many pieces of the puzzle, making clear the role of the United Nations during the war and in the context of the post-war recovery and setting the facts straight in an objective manner, thus helping local stakeholders to develop a dialogue built on the foundation of the impartial truth. We eagerly await that report.

If we examine the roles of the key players in the war, we can see that one of the very few shortcomings of the International Criminal Tribunal for the Former Yugoslavia, compared with the International Criminal Tribunal for Rwanda, was that it did not identify and punish those media representatives who incited ethnic hatred. The role of the media, controlled and directed by non-democratic regimes in the region of the former Yugoslavia, was a crucial element in the process of manipulation and brainwashing that prepared the ground for the spread of ethnic intolerance and violence.

Moreover, the role of the media in the post-conflict peace-building and reconciliation process is of the utmost importance. The various reconciliation programmes should concentrate on creating an environment that allows independent media to work unobstructed — media whose task will be, along with other civil society actors, to convey the truth about the past and to address the suffering of the victims of violence.

Allow me to draw the Council's attention to one of the most important problems facing post-conflict reconciliation: the issue of missing persons. One of the most tragic consequences of the war in Bosnia and Herzegovina, as in other recent wars, is the vast number of missing persons, mostly civilians. Resolving the issue of missing persons is not only a humanitarian imperative but also a very important political issue, and it is one of the basic preconditions for establishing durable peace and stability.

The primary responsibility for carrying out such tasks lies with the authorities under whose jurisdiction crimes may have been committed. However, if the authorities concerned are not willing to go forward with the excavation of possible mass graves and other investigative activities, the task will pass to international organizations and entities. Such undertakings are expensive and depend on the full political and financial support of the international community, as well as on the military and logistical support of the peacekeeping forces in the field. The process should be properly coordinated, thus avoiding overlapping mandates and providing adequate use of financial resources.

Even though the process of tracing and identifying missing persons in Bosnia and Herzegovina is far from being completed, we would like to take this opportunity to express our gratitude to all the Governments — particularly to the Government of the United States of America — that have provided political and financial support to the process.

Allow me to sum up by making two brief points. First, I cannot stress enough that reconciliation is a fragile, long-lasting and cumbersome process. The mandate of the first High Representative of the International Community to Bosnia and Herzegovina was one year, on the assumption that that was enough time for him to finish his job. Eight years later, the fourth High Representative has as much work to do as the first one did. The first United Nations peacekeeping mission in Bosnia and Herzegovina also had a one-year mandate. None of the other United Nations peacekeeping operations that followed ever thought that they could complete the mission within a year.

Last but not least, countless examples from recorded history — including that of Bosnia and Herzegovina — teach us a single, valuable lesson: national reconciliation is not possible without a national catharsis. Catharsis can be achieved only by self-examination through the prism of objective and unquestionable facts — provided that all the other necessary conditions exist: an environment free of fear, xenophobia or collective guilt; an atmosphere of dialogue and understanding; and forgiveness, as the most noble of all human virtues.

Truth and reconciliation commissions, international criminal tribunals, special national court chambers, and international and inter-religious institutions are merely the tools that can help achieve that ultimate goal.

The President (*spoke in Spanish*): The next speaker is the representative of South Africa, to whom I give the floor.

Mr. Raubenheimer (South Africa): Madam President, my delegation wishes to thank you for having convened this open debate on the role of the United Nations in promoting national reconciliation in post-conflict situations. While the Security Council has in the past tended to focus narrowly on the resolution of conflicts, experience has shown that the maintenance of peace is sustainable over the long term only if due attention is also given to the achievement of national reconciliation in post-conflict situations. We believe that this subject warrants greater discussion throughout the various organs of the United Nations, and we commend you for having brought this matter to the attention of the Security Council.

In our own country's experience, steps were adopted to create a bridge between the past — that of a deeply divided society characterized by strife, conflict, untold suffering and injustice — and a future built upon the recognition of human rights, democracy and peaceful coexistence for all South Africans. The questions of reconciliation and the future, on the one hand, and the necessity to establish the truth in relation to past events and ensure reparation to the victims of gross human rights abuses, on the other hand, had to be

carefully considered and balanced, both during and after the historic transition from apartheid and oppression to a constitutional democracy.

The Truth and Reconciliation Commission (TRC) was established with the aim of: granting amnesty from criminal and civil liability to people who made full disclosures of acts committed with a political objective during the course of conflicts of the past; affording victims an opportunity to relate the violations they suffered; taking measures aimed at the granting of reparations to victims, restoring the human and civil dignity of victims of violations of human rights; and making recommendations aimed at preventing the commission of gross human rights violations.

Many South Africans had the opportunity to appear before the TRC in a series of public hearings that it held, either as victims or as perpetrators of acts that violated human rights. State institutions, political parties and organizations and the business sector were also required to elaborate on their respective roles in the past. The compromises were sometimes painful, as was confronting the truth of past oppression. However, for us it was our way to reconcile decades-long oppression and proceed with nation-building.

As Archbishop Desmond Tutu, who chaired the TRC, has written,

> "The establishment of South Africa's TRC was a pioneering international experiment, with a potentially far-reaching effect on the way we all deal with conflict. Normally, when countries move through the difficult transition from oppression to democracy, they deal with the past in one of two ways: either the leaders of the old order are put on trial or dealt with summarily, or previous events are swept under the carpet and the suffering of those subjected to violence is ignored. South Africa followed a third, unique, way when it ended apartheid. To those who had committed grave violations of human rights, it offered amnesty in exchange for public disclosure of the truth about their crimes, and to the victims, it gave an unusual opportunity to be heard, as well as hope for reparations."

National reconciliation, however, did not automatically emerge at the closing of the work of the Commission but is continuing to develop as we build a nation based on shared values and a common destiny. The disparities that existed among South Africans as a result of the policy of apartheid required immediate redress and continue to place a strain on our national capacity to cope with the demand of ordinary citizens that they be able to experience the fruits of liberation. In order to avoid the risk that people's expectations might lead to instability, the Government has embarked on large-scale social and economic upliftment and empowerment projects that address such basic needs as water, sanitation, housing, education and the provision of heath services. Post-conflict reconstruction is a long-term project of sustainable development that builds on the peace and relative stability of the negotiated settlement.

While national reconciliation in post-conflict situations can take many forms, it is ultimately driven by a common will of the people affected by the devastation of the past to realize a more positive future. The parties have to be made aware of the benefits of coming to terms with what has occurred, and must proceed to rebuild their societies. Nevertheless, the people look to the international community, and particularly to the United Nations, for support during such a traumatic time. As the United Nations is the lead voice of the will of the international community, its engagement bears heavily on all the parties, and its active, sustained engagement is particularly instrumental in seeking options that are acceptable to the conflicting parties.

The engagement of the United Nations brings legitimacy and moral authority to conflict resolution based on the universally accepted norms and principles of the Charter. Durable peace is not achieved simply through the signing of peace agreements. In addition, it also requires a comprehensive approach that involves the active participation of the entire United Nations system. The role of the United Nations is to create the enabling environment in which this process can occur, and the Organization should assist in creating the mechanisms to bring about reconciliation. These could include assistance with constitution drafting, the devising of electoral systems and the creation of judicial and human rights institutions.

One of the most important requirements of post-conflict assistance is the immediate humanitarian needs for basic necessities and health services. In that regard, the United Nations has a coordinating role to play in efforts to bring aid and donor assistance to an affected country through consolidated appeals and donor conferences. It is imperative that other United Nations

organs and multilateral institutions, such as the Economic and Social Council and the Bretton Woods institutions, become more deeply engaged in the process.

In the past, the Security Council tended to regard the end of conflict as the elimination of the threat to international peace and security. Experience has, however, shown that United Nations involvement is as critical after the peace deal is signed as it is in ending the violent conflict. The Security Council's mandate therefore cannot end with the departure of peacekeepers, although post-conflict reconstruction is not a core function of the Security Council. The Security Council should work closely with other United Nations organs such as the Economic and Social Council to ensure that international peace and security are indeed maintained. The two Ad Hoc Advisory Groups of the Economic and Social Council, on Guinea-Bissau and on Burundi respectively, have already proven to be very useful in this regard. Those bodies have created bridges for closer cooperation between the two Councils on those countries. More important, they have also contributed to creating a seamless continuum from peacekeeping to post-conflict reconstruction and development.

Close cooperation with other United Nations bodies and regional organizations strengthens the implementation of Security Council decisions by widening the collaborative effort of all interested parties to achieve a desired outcome. As set out in Chapter VIII of the United Nations Charter, regional and sub-regional organizations, in collaboration with the Security Council, have a critical role to play in building a durable peace. On our own continent, the African Union recognizes this important link in its own efforts to seek durable peace and sustainable development in Africa. The African Union established its Peace and Security Council as

> "an operational structure for the effective implementation of the decisions taken in the areas of conflict prevention, peacemaking, peace-support operations and intervention, as well as peace-building and post-conflict reconstruction".

The protocol that established the Peace and Security Council also specifically stipulates that

> "in the fulfilment of its mandate in the promotion and maintenance of peace, security and stability in Africa, the Peace and Security Council shall cooperate and work closely with the United Nations Security Council".

As in peacekeeping operations, different situations require different responses to deal with post-conflict reconstruction and reconciliation. The creation of the Truth and Reconciliation Commission was the manner we chose to deal with our own past and future. Countries emerging from conflict have to find their own ways of bridging the past with new possibilities for the future in the context of their own unique circumstances. South Africa has assisted, and will continue to assist, at their request, countries emerging from conflict to devise their own mechanisms and institutions of national reconciliation.

The role of the international community does not end once the parties have ceased hostilities. Reconciliation has to be coupled with a firm commitment from the international community to assist in post-conflict reconstruction and development.

The role of the United Nations in maintaining peace and security continues to be redefined, requiring a more extensive involvement not only in assisting in bringing about peace and security but also in maintaining that peace and security once the parties have ceased hostilities. In order to prevent the risk of sliding back into conflict, it is our common obligation to assist communities in their endeavours to secure development and to take their rightful place among peaceful nations.

The President (*spoke in Spanish*): The next speaker is the representative of Guatemala, to whom I give the floor.

Mr. Rosenthal (Guatemala) (*spoke in Spanish*): I congratulate you, Madam President, on Chile's initiative to organize today's open debate on an item that is of great importance both for the Security Council and for the entire United Nations system.

Guatemala has had first-hand experience in this area through the implementation of our peace agreements. Although they have their own unique characteristics, they also contain lessons that can, with the necessary adaptations, be universally applied. Those lessons, however obvious they may appear, offer guidelines with regard to the subject we are considering. I shall cite five, all of which have domestic roots but reflect on the role of the United Nations.

First of all, it is essential that there be a minimum basis for agreements among the various sectors of civil society and the Government regarding the path to be taken. Reconciliation must originate from within, since any attempt to impose it from outside will surely fail. In the case of Guatemala, there fortunately was and still is such a minimum basis for agreements. The agreements in question were concluded by the Arzu Administration and the Unidad Revolucionaria Nacional Guatemalteca in 1996, assumed as State agreements by the Portillo Administration in 2000 and, scarcely a week ago, again assumed by the Administration of President Oscar Berger.

Secondly, international cooperation has been essential and the presence of the United Nations irreplaceable. That involves not only the daily work of the United Nations Verification Mission in Guatemala (MINUGUA) or the support provided by the United Nations Development Programme for the dialogue and consensus-building round tables organized in the past few years, but also support for strengthening the context in which dialogue, tolerance and understanding can flourish. Obviously, it is easier to achieve reconciliation in conditions of economic affluence than when there are not enough resources to go around. It is also obvious that, for there to be reconciliation, we need to strengthen the institutions on which democratic societies rest. Thus, the progress made in implementing the agreements results from the efforts of Guatemalans, supplemented very significantly by external cooperation.

Thirdly, the progress made has not been linear. The implementation of the commitments generates resistance and opposition, which sometimes even cause setbacks. By its very nature, this progress tends to be slow, which means that both national and international actors must persevere. It will come as no accident that, when MINUGUA leaves Guatemala at the end of this year, it will have spent 10 years in the country. A long-term commitment, then, is needed.

Fourthly, in Guatemala — as in other countries — a commission for historical clarification was created. The publication of the commission's report, entitled "Guatemala" memory of silence", undoubtedly contributed to reconciliation in that it brought to light previously concealed facts. It also gave rise to a compensation programme, although some consider that programme to be too modest. The report also helped to emphasize the general call for a strengthening in the justice system.

Fifthly and lastly, in achieving reconciliation, one cannot overestimate the importance of strengthening the rule of law and the administration and implementation of justice. In our country, as a legacy of armed conflict, illegal organs and clandestine mechanisms still function that violate human rights. In a new and innovative effort to fulfil its commitment, the Government of Guatemala, at the request of the human rights ombudsman and with the approval of both the outgoing and incoming Administrations, signed at the beginning of this month an agreement with the United Nations aimed at addressing that situation. It involves a new type of international mission that, acting within the framework of Guatemalan law, is authorized to investigate the clandestine mechanisms and to seek their dismantlement by identifying those responsible, ensuring their criminal prosecution. Through that provisional and special effort, we intend to strengthen local security and judicial capacities and to provide strong momentum for institutional and legal reforms in the country.

There is a final piece of information that is very convincing for the purposes of this debate. Peace is irreversible in Guatemala. In other words, in our case, there is no longer any risk of returning to a conflict situation. Therefore, despite the possible defects and inadequacies in the implementation of the agreements, the overall result is highly positive. Bearing witness to that is, for example, the electoral process that led to the orderly and democratic transfer of power on 14 January. Therefore, I believe the United Nations can be proud of its presence and its participation in the implementation of the peace agreements in Guatemala.

The President (*spoke in Spanish*): I now give the floor to the representative of Peru.

Mr. De Rivero (Peru) (*spoke in Spanish*): I congratulate you, Mrs. Soledad Alvear Valenzuela, Minister for Foreign Affairs of Chile, on your presiding over the Security Council. Your initiative to hold this meeting on such a relevant topic as "Post-conflict national reconciliation: role of the United Nations" is an expression of the effective way in which your country is guiding the Council.

Post-conflict national reconciliation is a complex national process that depends on the socio-political conditions in each country and on the nature and intensity of the conflict. However, by studying the opinions of academics and experts and particularly the practical experiences with reconciliation processes, one can identify three fundamental preconditions for national reconciliation.

The first element is truth. Given the need for truth as an element of reconciliation, truth commissions have been established. The merit of those commissions is not a detailed and definitive narrative of all the violent events in a civil conflict, because after a certain amount of time it is very difficult to reconstruct exactly what happened. Rather, the value of truth commissions is to bring to light what was hidden and has not been widely perceived and assimilated in a nation's everyday political discourse. Michael Ignatieff, professor of human rights at Harvard University, states that "all that a truth commission can achieve is to reduce the number of lies that can be circulated unchallenged in public discourse" (*Index on Censorship*, May 1996). This is the value of truth as an element of reconciliation.

The truth is so important to reconciliation that truth commissions, which originated in a Latin America traumatized by the massive violations of human rights in the 1970s and the 1980s, have now spread to other regions in the world where there have been civil strife and massive human rights violations. To date, more than 20 truth commissions have been created throughout the world, and various prestigious universities have created academic programmes to study them.

In Peru, the Truth and Reconciliation Commission was created in June 2001 with the task of shedding light on the process, deeds and responsibilities in the terrorist violence and the violations of human rights during the 20 years between May 1980 and November 2000. The Commission, recently judged by experts to be one of the most solid and exemplary such commissions in Latin America, issued its final report in August 2003 after 24 months of work and after receiving testimony from 17,000 individuals and the holding of public hearings throughout the entire country, which were broadcast by the State television network. The Peruvian Truth and Reconciliation Commission has created a solid base for the first element of reconciliation: to know the truth — or at least bringing to light what was hidden — about deeds that were not known by Peruvian society.

The second prerequisite for reconciliation is compensation for the innocent victims and the rehabilitation of the areas affected by conflicts. While experience shows that, globally, truth commissions have been supported by resources from civil society, the United Nations and States committed to defending human rights, this is not true in the case of compensation to innocent victims and the rehabilitation of the devastated areas, for which there are scarce national resources and little international assistance. For that reason, the United Nations should become involved through special projects of the United Nations Development Programme and its agencies. In addition, the contribution of the World Bank and, we would say, the flexibility of the International Monetary Fund are needed.

Along with its final report, the Peruvian Truth and Reconciliation Commission presented a comprehensive reparations plan. One week ago, the Peruvian Government began action on its Plan for Peace and Development for 2004-2006, a mechanism for collective reparations for the areas most affected by political violence by means of projects to improve infrastructure, increase production and productivity and strengthen the presence of the State and the participation of civil society. Needless to say, this plan, like those of other developing States, requires the resources of the United Nations and the international community for its full implementation.

The third element of reconciliation is justice. If truth is a prerequisite for reconciliation, then justice is at once a prerequisite for and a result of that process. Reconciliation does not mean forgetting or impunity. It includes the value of justice, which means, specifically, to bring the violators of human rights to justice. In many cases, that requires thorough judicial reform and, above all, the dissemination of a culture of human rights in societies that have suffered violence so that the crimes and atrocities committed are not repeated.

In the case of Peru, the special commission on the comprehensive reform of the administration of justice is working to strengthen and coordinate the actions of the various entities comprising the justice system in order to achieve the system's thorough reform, ensuring its independence as an institution and the protection of the rights of citizens.

At the international level, the need for justice has also been a central concern in post-conflict situations. The result of this was the Security Council's creation of the international criminal tribunals for the former Yugoslavia and Rwanda and, especially, the establishment of the International Criminal Court, which constitutes the world's greatest advance in the fight against impunity. In that connection, we welcome the commitment of Sierra Leone to create a special court to judge crimes against humanity committed in that country.

In the opinion of experts and academicians and based on our empirical experience, reconciliation has many interpretations. According to the minimalist interpretation, reconciliation is only a sort of non-lethal coexistence. For the maximalists, reconciliation is the return to consensus or to social harmony. In truth, neither interpretation is viable for true national reconciliation because, as demonstrated by the experience of reconciliation processes in various countries, reconciliation implies going beyond peaceful coexistence or returning to situations of social harmony and consensus that never existed or that, on the contrary, were really the origin of the civil conflict. In all the countries where conflict has broken out, reconciliation today signifies the process of building a new social contract based on democratic institutions aimed, above all, at eradicating social exclusion, which is the breeding ground of civil conflicts of national self-destruction.

The peacekeeping operations authorized and carried out by the Security Council in the case of civil wars are only the first step towards initiating the reconciliation process. In fact, the ceasefires, the separation of the belligerent parties and their coexistence and mutual tolerance provide no more than the foundation for national reconciliation. They create a non-lethal coexistence, not reconciliation. That does not constitute a true reconciliation process, which is why we must move beyond peacekeeping and non-lethal coexistence and enter the nation-building process.

In the final analysis, the process of reconciliation is an exercise in democratic nation-building that surpasses the mandate of peacekeeping operations and the recommendations of truth commissions throughout the world. Reconciliation is a long and complex process of restoring the political and social fabric of a State and essentially requires the creation of authentic democratic institutions and the eradication of the scourge of social exclusion. Without democratic tolerance and in the presence of permanent social exclusion, there can be no reconciliation. Poor societies will continue being affected by the germ of conflict.

In conclusion, the search for truth in the reconciliation processes that are taking place in various parts of the world have had the international support of the United Nations and civil society through national truth commissions.

Justice, the nexus of reconciliation, was also significantly advanced with the establishment of the International Criminal Tribunals for the Former Yugoslavia and Rwanda and in particular of the International Criminal Court. However, I wish to stress here that this has not been the case with regard to compensation for innocent victims and areas devastated by civil conflict. We therefore believe that the role of the United Nations and international financial institutions, in addressing post-conflict reconciliation in the future, should centre on aiding in the processes of compensation and support for civil society.

In conclusion, I have the following suggestions. First, future meetings of the Council on post-conflict reconciliation should address specific situations, in particular those of States that, as a result of civil conflict, are presently the focus of United Nations peacekeeping operations. Secondly, it would be beneficial if a report was prepared on all that has been said here today for the consideration of all States, United Nations agencies and, especially, the international financial institutions. The international community, its actors and institutions must initiate some serious thinking in order to give substance to the very concept of reconciliation and to learn from the experience of reconciliation processes currently being carried out throughout the world.

The President (*spoke in Spanish*): I thank the representative of Peru for his kind words.

I call on the representative of India.

Mr. Nambiar (India): We thank you for scheduling this open meeting of the Security Council on an issue that the Security Council has not specifically addressed on any previous occasion, but that is, nonetheless, of considerable import and great concern today. We note in particular, Madam President, the intensity of your personal involvement in the

subject of today's debate. We also seek your indulgence for the length of our statement.

For many Member States of the United Nations, the experience of nationhood is still relatively new. Indeed, the transition, after the Second World War, from empire to nationhood in many regions of Asia and Africa and parts of the Caribbean was itself the result of a process of political conflict, post-conflict reconciliation and deliberate crafting of nationhood. This process was unique for each region, if not for every nation. The role of the United Nations was also significant, though of a somewhat different nature from what seems relevant to the present debate.

What is the basis for the Security Council's current consideration of this subject? Ever since the crisis in the Congo in 1960, the United Nations has considered aspects of internal conflicts because of their potential implications for international peace and security, taking into account Article 36, paragraph 1, of the Charter. This Article allows the Council to consider or make a recommendation regarding a dispute or a situation of a similar nature at any stage, with perhaps the minimal requirement of an investigation under Article 34 of the Charter. Since the nineties, the United Nations has been involved in a variety of robust peacekeeping operations, and therefore such a search for a Charter basis is, today, only academic. For the Council to proceed from peacekeeping to peacemaking and post-conflict reconciliation is seemingly but a short step.

The present debate seems to be focused on the effects of intra-State conflicts that have bedevilled the international landscape in the post-cold war period and have bred ethnic conflicts or factional struggles for military control, political power, economic resources or external patronage within States. Though it can be argued that most intra-State conflicts invariably have external components, the concept of peace-building that arose in the early 1990s and provided the impetus for robust international action by the United Nations in many areas of the world was directed mainly to prevent, mitigate, resolve or manage such conflicts with a view to both avoiding their exacerbation, thereby positively affecting international peace and security, and to enabling broader political transitions to take place within these societies for long-term regional stability. How far these processes represented an imposition on the part of outside agencies, including the United Nations, and how far they had the effect of encouraging the development of genuinely indigenous authority structures or institutions are assessments on which the judgements of the outside world vary.

It is axiomatic that reconciliation within any nation must be not only home-grown but also home-nurtured. This is more than a routine expression of pro patria sentiment. There are many examples where solutions imposed from the outside have failed when those external influences disappeared. Similarly, any process that does not fully involve the participation of the local population, in all its diversity, is also unlikely to yield lasting peace.

It is said that peace looks to the future and justice to the past. If true reconciliation is to be achieved, there must clearly be a blend of both values. Without a willingness to look beyond the bitterness, rancour and misgivings of the past, any future reconciliation is unlikely to be realized. But, by the same token, unless there is a credible sense of justice and accountability for past actions, especially in cases where there have been grave and systematic violations, it would be equally unrealistic to expect genuine reconciliation between opposing parties. However wrenching the process may be, the various contending parties must deal with each other in order to arrive at mutual accommodation and to deal with issues of the past, including those relating to peace, justice, reparation and amnesty.

Post-conflict societies also require new rigour in their judicial system. The establishment of criminal courts, truth commissions and a system of reparation for losses sustained by victims of crimes may become necessary in certain circumstances. However, it is important that the establishment of the rule of law and the dispensation of justice in post-conflict societies be fashioned in accordance with the needs and aspirations of the people in those societies. Promotion of post-conflict healing is a dynamic process. The local actors must lead the process. Externally imposed prescriptions will not necessarily work. International assistance for the establishment of a rule of law regime and dispensation of justice in post-conflict societies, therefore, should help set up credible local institutions and build up their public image and acceptance.

What should the role of the United Nations and the international community be in such a scenario? Our view is that the United Nations should play a supportive and facilitating role, without seeking to

impose outside viewpoints or values on the delicate process of reconciliation under way in any war-torn society. This is not to belittle or underplay the role of the United Nations or the considerable expertise available within its system, including that available through the various funds and programmes, to deal with crises and complex situations. Nor is it an argument against the basic benchmarks of human rights values that need to be adhered to in all civilized societies. What is of paramount importance is recognizing the complexity of an exercise in national reconciliation in post-conflict situations and dealing with it from a perspective informed by sympathy and understanding rather than prescription.

Although the post-conflict reconciliation theologian is likely to make a sharp distinction between in-conflict and post-conflict situations, the reality, in most cases, is far more complex. Reconciliation efforts often commence even while the conflict is taking place and persist after peace agreements are signed. On the other hand, even after the formal ending of hostilities and the signing of peace accords, conflicts continue, at times sporadically and, at other times, assuming even more virulent forms. Any involvement by the United Nations will need to take into account this reality.

Before involving itself in a particular situation, the United Nations will thus need to recognize that there is no uniform approach that can be adopted in all situations. Every post-conflict situation will have its distinctive characteristics, which need to be given full consideration in any reconciliation model. Where societies have traditionally enjoyed a high degree of provincial or local autonomy, it would be futile to set up highly centralized structures. In the case of large communities with mixed compositions, the distribution of power between the federal and provincial Governments would need to be worked out with great care.

Any process of national reconciliation will require time and painstaking efforts. Short-sighted approaches with unrealistic timetables based on considerations of purely financial implications are not always likely to succeed.

An important contribution the United Nations can make, in our view, is to ensure the centrality of the local actors in the political process. Models forced upon societies from the outside often fail. Full ownership by the political elements of society in an inclusive, rather than exclusive, process would ensure that the solutions devised do not contain the seeds of resurgence of conflict.

We are convinced that, for a system of governance to work in post-conflict societies, it must respect the dynamic of the community in its plurality. It also follows that only a political form that is inclusive, tolerant of dissent and democratic can provide the required space for national reconciliation, as well as a stake for all in its future well-being. Democratic governance implies governance through the will of the citizen, exercised through independent constitutional mechanisms. It is the will of the people that defines the political institutions, the economic and social manifestos, the targets and the instruments. However, reaching targets democratically set needs resources. Resources are the crucial factor that can determine the difference between effective governance that delivers and governance, however well-meaning, that fails to meet the needs of its people. Extra-territorial and other threats to the sovereignty of States are further factors that seriously impinge on national capacity and self-image and divert attention from the priorities of social and economic development. We feel, therefore, that too narrow a focus on governance, without adequate attention to the challenges of social order and security, is likely to affect the consolidation of post-conflict societies.

Democracy is a major area where the United Nations can assist in national reconciliation efforts. Different parts of the United Nations system have acquired experience and expertise in providing assistance in census operations, the preparation and revision of electoral rolls, the delimitation of constituencies, verification and other areas considered essential for the successful conduct of elections.

There are other areas where the United Nations could prove invaluable. These relate to the provision of humanitarian assistance, the protection and promotion of human rights, judicial assistance and, of late, dealing with political processes. The instrumentalities available in the United Nations system to deal with each of these areas, however, have different characteristics. Many of them have time-honoured traditions of neutrality and impartiality. We urge that caution be the watchword in dealing with the intersections of the political process, humanitarian assistance, peacekeeping operations and the promotion and protection of human rights. A push in one direction to satisfy any donor country or interest

group, without taking into account its impact on the other three, could lead to consequences or situations that hinder rather than assist reconciliation.

A leading non-governmental organization has identified truth, justice and reparations as the three indispensable pillars of post-conflict national reconciliation. The three are also intrinsically linked. The instances of South Africa's truth and national reconciliation process, as well as Peru's Truth and Reconciliation Commission, have been held out as examples of the success of such efforts. They have enabled an outpouring of admissions and grievances, thereby providing the basis for an effective reconciliation. In the case of Afghanistan, the imperatives of truth and justice have to be balanced by the demands of stability and order. In Cambodia, on the other hand, the urgency displayed by the international community in seeking justice from the Khmer Rouge more than two decades after their fall from power does not absolve it of the failure to seek this truth when the Khmer Rouge was in power. Here, too, we are faced with the complex and often controversial balance of the moral imperatives of a post-modern civilized society and the perceived political interests of powerful States.

Amnesty is also linked to justice. Blanket amnesty, in the interest of peace, can prevent truth and justice from emerging. At the same time, the complete denial of amnesty in the interests of justice can sometimes hinder peace efforts. Here, too, balance is essential. Reparations are important in securing reconciliation, but need to be carefully quantified to ensure that they are not unduly at the expense of other parties to the conflict. History is replete with instances of the perceived injustice of reparations leading to further conflict. This issue continues to be relevant in our times.

Unfortunately, national reconciliation can sometimes be pursued with misplaced vigour. For a community emerging out of the shadow of death and destruction, starvation and deprivation, the goal of political reconciliation comes with a psychological cost. The scars of the past do not heal as quickly as demanded by the international community as the price of its activist humanitarian interventions. When the United Nations or the international humanitarian community decides to intervene in a manner that seems to privilege or favour one group over another, even with the soundest of motives, these actions run the risk of foisting an outside construct on the situation. While it is difficult to make value judgements on such situations in any generalized manner, we must agree with what was stated by a scholar recently to the effect that the attempt to do good, if poorly planned and lacking in strategy, can do more harm than good.

India firmly believes that national reconciliation must be a soft process of co-optation and cooperation. It cannot be thrust on an unwilling or unprepared society. Political engineering in the form of empowering one group at the expense of another may appear to be essential for the restoration of ethnic balance, but can come at the expense of minority interests and heighten tensions in the future. It may also affect the neutrality of the United Nations in the perception of the people of the affected country and result in long-term disharmony.

The role of the United Nations in supporting national reconciliation must involve assistance through a system-wide, coherent, needs-based approach, which can result in the consolidation of security and peace, democracy, economic freedom, social order and justice. In all these areas, the United Nations should play a basically supportive role.

The President (*spoke in Spanish*): I now give the floor to the representative of Costa Rica.

Mr. Stagno Ugarte (Costa Rica) (*spoke in Spanish*): The armed conflicts on the Security Council's agenda are complex phenomena. Their most visible feature is military confrontation, the armed clash between two or more parties. However, over and above military confrontation, there is an unyielding political and social antagonism based on recurring cycles of enmity, grudges, hatred, separation, animosity and fear. Indeed, many of the conflicts that plague humanity today are based on psychological mechanisms of fear and hatred among groups, where any single offence is perpetuated and amplified through a pernicious dynamic of revenge, victimization and reciprocal injustice. Personal relationships and social structures cannot support the burden of stereotypes used to dehumanise supposed enemies. Hatred generates more hatred and destruction generates more destruction and death.

Peace-building at the end of an armed conflict requires halting that pernicious cycle of hatred and destruction. The social institutions and personal relations that serve as a bridge among the various groups must be rebuilt. It is essential to create an

atmosphere of mutual trust, justice and respect. Ultimately, the parties must be reconciled with a view to building a shared future.

Any reconciliation programme must re-examine the past, the underlying causes of the conflict and the behaviour of all the parties throughout it. However, reconciliation must go beyond a mere historical account. It is indispensable to create an atmosphere that promotes thinking, contrition and forgiveness, both collectively and individually, in order to provide an outlet for demands for justice and revenge. Reconciliation must not be confined to rehashing past grievances or to punishing the guilty. Reconciliation must be committed to the future and create an atmosphere of tolerance and cooperation among individuals and communities that have been rent by conflict. The end product of reconciliation must be a genuine culture of peace.

Every conflict is unique; each has its own features and peculiarities. That is why there is no single mechanism for reconciliation that can be applied to all. In some cases, truth commissions have facilitated the process. In other situations, the prosecution and punishment of leaders and those guilty of atrocities has been helpful. In others yet, amnesties have been required. The use of traditional community mechanisms for justice and forgiveness have also been very useful.

Reconciliation must be based on truth, justice and compassion. The truth about a conflict must be fully revealed so that the victims can talk about the pain and the trauma caused by the injustice they suffered. Justice must be served. There must be public recognition of the damage done and of the violation of the fundamental rights of the victims. It is crucial that compassion temper the desire for revenge so as to make it possible to break the cycle of retribution.

Reconciliation must also empower the victims of conflict and create a feeling of interdependence among the parties. The victims must come to feel that their rights have been recognized and are being respected and that their former torturers will never again harm them. Conditions must be created to ensure that the parties can build a shared future and commit to working together for the well-being of the entire community.

It is essential for all the parties to recognize that working together and cooperation among all are indispensable elements for building peace.

Reconciliation is an arduous process for which the local population bears the primary responsibility. The international community must actively support local efforts at reconciliation, but it should not try to act as a substitute. In this context, the United Nations has an important part to play as a facilitator, assisting in crafting the mechanisms and agreements that are required to initiate the process of reconciliation.

In this context, the United Nations in general and the Security Council in particular could adopt a series of concrete measures to facilitate national reconciliation.

When the parties agree to use truth commissions as a mechanism to achieve reconciliation, the international community must provide political, logistic and, whenever necessary, economic support for those institutions so as to ensure that they are effective, legitimate and impartial, and seen to be such by the local population. The Security Council must urge the parties to provide such commissions with all the information that they have about the conflict and any atrocities that may have been committed.

When the parties have decided on legal mechanisms to achieve reconciliation, the international community should support their efforts by facilitating the establishment of local courts, providing technical assistance or creating tribunals with international participation. The experience of Sierra Leone is particularly valuable in that context. On the other hand, recourse to local tribunals may present some difficulties if they are not seen by the local population as being impartial or if due process is not guaranteed, either for the victims or for the accused. In such cases, the use of local tribunals can become an obstacle to genuine reconciliation. The international community must be vigilant in ensuring that the mechanisms are legitimate and that they scrupulously respect the rights of both the victims and the accused.

Furthermore, bringing the main leaders before international tribunals can be useful only if the local population sees that as an impartial exercise of justice. In this context, we welcome the prosecution strategy crafted by the Prosecutor of the International Criminal Court to ensure that that international instrument

cooperates in a constructive manner with national reconciliation processes.

When the parties opt for traditional mechanisms to achieve reconciliation, the international community must promote the idea that such mechanisms respect the rights of the accused, they should not be used to impose excessive punishment or extrajudicial executions.

When the parties agree to grant amnesty, the international community must support such efforts, provided they are aimed at reconciliation and as long as they do not become a means of protecting the perpetrators or those who organized serious crimes against humanity. Amnesty must never serve as a mechanism to conceal the truth or deny justice to the victims.

When the parties opt for mechanisms to provide economic compensation, the international community should support them by freezing the assets of those who committed the atrocities and transferring those assets to the victims.

National reconciliation at the end of an armed conflict requires long-term and continuous efforts. Such efforts are the primary responsibility of the community affected and of the parties to the conflict. Nonetheless, the Security Council and the international community at large have an obligation to provide resolute support for those efforts.

The President (*spoke in Spanish*): The next speaker on my list is the representative of Morocco, on whom I now call.

Mr. Bennouna (Morocco) (*spoke in French*): I should like first of all to congratulate you, Sir, on your assumption of the presidency of the Security Council for this month, which is soon to end. Your great skills and experience have enabled the Council to discharge its responsibilities very effectively. In this connection, I would like to thank you in particular for taking the initiative to convene this debate on post-conflict national reconciliation and the role of the United Nations. The considerable level of participation and the very enlightening debate show how much we needed such a discussion in the United Nations. I am convinced that we will be able to reach some very useful conclusions.

All previous speakers have recalled the special role played by the United Nations in reconciliation efforts. But before speaking specifically about that issue, I would like to take this opportunity to congratulate the new non-permanent members of the Council, who began their term of office at the beginning of the month: Algeria, Benin, Brazil, Romania and the Philippines.

Today the Council is discussing post-conflict situations, peace efforts and the fact that certain developments, if they are not checked in time, can evolve into lasting obstacles to peace and national reconciliation strategies.

In the context of post-conflict situations, the United Nations has incomparable experience, ranging from the negotiation of political settlements among the parties to participation in reconstruction efforts. The success of United Nations efforts in Kosovo, Afghanistan, Guatemala, Mozambique and elsewhere testifies to the wealth of experience of the Organization in this sphere. We can draw one major lesson from such experience. Each conflict, and each and every post-conflict situation, has its own characteristics and features. There is no universal recipe that can be applied in this area in a systematic manner. As the Secretary-General stated in a debate in the Security Council a little less than a year ago, on 30 April 2003:

> "But the thing that stands out ... is that no single approach has ever been adopted twice, because no two conflicts or post-conflict situations are alike. Even the four recent cases of Afghanistan, Kosovo, Timor-Leste and Sierra Leone are very different from one another ... Therefore, one of the most important lessons ... is the need first to reach a common understanding of what makes the crisis in question unique, and then to develop our responses accordingly. We should draw on previous experiences ... while bearing in mind that completely new approaches may be required" (*S/PV.4748, p. 3*).

In other words, the Secretary-General wanted to remind us that the Council should be creative each and every time it considers a crisis situation, and, in particular, that it should get as close as possible to the realities on the ground, without, of course, forgetting its experience drawn from other situations.

The success of the United Nations contribution to national reconciliation in post-conflict situations lies in the Organization's ability to take into account local characteristics — the multi-ethnic nature of Kosovo,

the need to involve women in public life in Afghanistan, for example, the disarmament of ex-combatants in Sierra Leone and in Liberia. Tomorrow, perhaps, the United Nations might be participating in reconstruction in Iraq. All of these crisis situations might seem similar, but they are, in fact, quite different.

The role of the Council must be to provide adequate responses and to design mandates that are equal to the realities in the field. Of course, individual responses to crises and in post-conflict situations should form part of an overall strategy that encompasses common objectives. In particular, as has been stated, respect for the neutrality of the United Nations is very important. As was also noted, the Organization must work to bring the parties closer together; it must not impose any solution that might have been conceived of in advance.

Of the objectives I have mentioned, the first is closely linked to the obstacles that quite often undermine efforts made towards national reconciliation. I have in mind the disarmament, demobilization and reintegration of former combatants, and the restoration of justice with the goal of reconciliation and of economic and social development. With respect to justice, there are also the Truth and Reconciliation Commissions, which play a supplementary role.

The reintegration of former combatants, with clear-cut safeguards for their personal security; their participation in public life, with respect for the rule of law; and genuine economic and social prospects for them and for their family members are pivotal elements in the lasting settlement of conflicts. The representative of Angola spoke quite eloquently this morning of his country's experience in this respect. In Sierra Leone, the United Nations has been involved in the demobilization and reintegration of more than 46,000 combatants; however, a great deal remains to be done, especially in Liberia.

Among the key objectives that should be mentioned in defining an overall strategy in post-conflict situations, pride of place goes to respect for human rights and for international humanitarian law. It is imperative to safeguard the lives and the dignity of individuals. In this spirit, the international community must involve itself in the resolution of the problems of refugees and of displaced persons. We should strengthen the protection mandate of the Office of the United Nations High Commissioner for Refugees and seek lasting solutions for refugees by fostering in particular voluntary repatriation, in conditions of dignity and security.

A comprehensive approach must also take into account all of the actors in the field — civil society, non-governmental organizations, but also, and above all, women. We cannot overemphasize the decisive role of women in post-conflict reconstruction processes. To be sure, the Beijing Platform for Action highlighted that particular dimension and the valuable contribution made by women, but we must now go farther and promote the participation of women in the field and in peacekeeping operations.

At the heart of current conflicts, we often find an affirmation of specific identity in cultural, religious, social or ethnic terms. In order to cope with the increased number of identity-based tensions — which have, regrettably, multiplied since the beginning of globalization — the international community must not only foster dialogue among parties to a conflict but also seek lasting solutions in order to maintain peace and stability.

In order to promote a culture of reconciliation and, ultimately, a culture of prevention, it is important to explore all possibilities available for settling disputes while respecting the sovereignty and integrity of States. Therefore, regional autonomy, as practised by many democracies, allows them to preserve unity in diversity and to avoid the tragic obstacle represented by the constant fragmentation of State entities, which can have dangerous consequences for international peace and security. Indeed, we must enable peoples fully to exercise their right to manage their own local affairs while ensuring stability and security for the country as a whole and for the subregion to which it belongs.

The growing importance of the topic of today's debate requires greater interaction among agencies. This process has indeed begun, and my country encourages such interaction among United Nations agencies and organs, especially between the Economic and Social Council and the Security Council. The extension by the Economic and Social Council of the mandate of the ad hoc Advisory Group on Guinea-Bissau and the creation of a similar group on Burundi constitute an encouraging response on the part of the

international community to the urgent need to devise assistance programmes for vulnerable countries that are emerging from conflict situations, especially in Africa. It is important to ensure complementarity in the context of the actions undertaken by the Security Council to maintain peace and those of the Economic and Social Council aimed at economic and social development.

Ongoing discussions on United Nations reform must also involve an assessment of the shortcomings of the United Nations system in conflict and post-conflict situations, especially with respect to their humanitarian dimension, by drawing lessons from past experiences and in a spirit of creativity in order, as I said earlier, to resolve current crises. This is an obligation of solidarity that we owe to those peoples who have suffered so much from war and from post-conflict situations.

What do we owe one another? That was the question posed by one of the founders of the *Encyclopédie*, Denis Diderot. Diderot believed that taking care of someone else was also a way of ensuring one's own enlightened self-interest. Is this not the morality that underlies international cooperation and collective security, for which the Council is responsible?

The President (*spoke in Spanish*): The next speaker on my list is the representative of Japan, to whom I give the floor.

Mr. Haraguchi (Japan): Mr. President, I would like to thank you for having convened this open debate. The issue of national reconciliation following a conflict has not been discussed much in the United Nations. I must confess that Japan is still in the process of studying this issue and has not yet arrived at a firm position on it. However, I am sure that everyone will agree that reconciliation is indispensable for the consolidation of peace in unstable post-conflict societies.

The consolidation of peace is one of the key elements of human security which my Government has been advocating forcefully. It is our hope that today's discussions will yield better ideas on such important issues as how to promote reconciliation successfully in a post-conflict society and the role of the international community and the United Nations in such an undertaking.

Reconciliation has a psychological aspect and for that reason is not so easy to achieve. Unless the truth is fully disclosed, it is difficult to create a basis for reconciliation. On the other hand, hatred and bitterness do not always fade away so easily, even when the truth has been exposed. There are cases in which the only effective remedy for rancour is the passage of a considerable amount of time. Especially as regards hatred and bitterness at the individual level, which results from so many varied situations, I believe it is not practical to discuss solutions in the United Nations.

In that connection, the presidency made a very wise suggestion in specifying national reconciliation as today's topic, because, as far as national reconciliation is concerned, we believe that there are several things that the international community and the United Nations can and must do in order to promote reconciliation in precarious post-conflict societies.

The first task is the restoration of justice. Punishing, in accordance with the law, those who have perpetrated serious crimes against humanity during conflicts will certainly contribute to national reconciliation. It is also important in deterring others from committing similar crimes in the future. At the same time, however, it is necessary to recognize as a problem the fact that reconciliation does not progress significantly while a trial is under way. This is particularly true when a trial takes a long time to be completed. It should be noted that there are a number of cases in which early national reconciliation is required for the prompt consolidation of peace and that, in order to enable people to come to terms with the past and to establish relationships of trust within the community, there exist a variety of policy options ranging from strict punishment to total forgiveness. It is vital for a post-conflict society to choose the policy measures which it considers best suited to its unstable transitional situation. We should bear in mind that the strict application of "justice" as defined by a third party in post-conflict societies does not always contribute to national reconciliation.

It may be useful to consider this matter on the basis of actual examples. In South Africa — as we heard a few minutes ago from the representative of that country — confessions of the truth about past criminal deeds, the granting of amnesty and the proportion of compensation for victims were pursued in combination and led to successful national reconciliation. In the case of the Commission for Reception, Truth and

Reconciliation in Timor-Leste, the combination of public apologies by the offenders and their engagement in activities contributing to the general welfare was suggested and eventually accepted as appropriate by the victims of the crimes. This solution is considered to have promoted the restoration of justice and reconciliation at the community level. Both cases show the wisdom of the people in the community in judging that the restoration of justice and promotion of national reconciliation could be effectively achieved by finding the hard truth.

Secondly, it is important to end discrimination and social injustice. In any society, if a portion of the population feels that it has been subjected to social inequity, that situation has the potential to develop into a conflict. So long as such conditions continue, it will be difficult to achieve and consolidate reconciliation. It is therefore critically important, through promoting fundamental human rights as universal values, to eliminate unfair discriminatory systems and practices between people of different ethnic and cultural backgrounds so as to establish a society where they can live together in peace. The international community can contribute here — but again, it is not easy to define what will be accepted as "equitable" by two parties that have been involved in a conflict. Japan believes it is essential that the parties to the conflict themselves take time to talk to each other calmly and patiently and to apply themselves to accumulating successful outcomes one by one. The international community, for its part, should support the creation of a framework to facilitate such discussion. For instance, we should take action to help initiate dialogue between the parties to a conflict. Much consideration has been given to the budget for the minority group in Kosovo by the United Nations Interim Administration Mission in Kosovo and the Provisional Institutions of Self-Government of Kosovo. We welcome this as an effort that could reduce the social injustice as perceived by the minority group. We also welcome the effort to promote direct dialogue between Belgrade and Pristina: it is a necessary and appropriate step towards coexistence.

Thirdly, we wish to underscore the importance of economic and social development. Areas in which conflicts arise are often areas that are plagued by poverty, and the economic and social difficulties that people continue to experience in their daily lives make it more likely that they will be conscious of social injustice or feel rancour towards those that they perceive to be the source of social injustice. Japan believes that a most effective means of achieving reconciliation is to create conditions in which people are able to entertain the hope that their lives will be better in the future. The more confident people are that reconstruction will succeed, the more easily reconciliation will proceed.

The relationship among national reconciliation, justice, truth and reconstruction in the transitional post-conflict phase is extremely complex, and the most effective and appropriate mix of policy measures is different for each specific case. Both the issue of justice and that of reconstruction have been taken up and discussed extensively in the United Nations, but if we are to address effectively all the important aspects relating to the consolidation of peace in the precarious phase of a post-conflict society, it is necessary, in our view, to include the issue of national reconciliation in our deliberation as well.

Before concluding, I would like to propose that the United Nations study past success stories in the area of national reconciliation and identify the problems encountered along the way and the lessons learned. I believe this would certainly enhance the effectiveness of our deliberations on this important issue.

The President (*spoke in Spanish*): The next speaker is the representative of Argentina, to whom I give the floor.

Mr. Mayoral (Argentina) (*spoke in Spanish*): At the outset, the Argentine delegation thanks you, Sir, for organizing this open Security Council debate on a topic that is of such great importance to all countries: post-conflict national reconciliation and the role of the United Nations. We wish also to thank you and the entire delegation of Chile for your excellent work in the Security Council presidency for the month of January.

Experience shows that national reconciliation is a central pillar of peace-building in societies that have been scourged by armed conflict. It is an indispensable element in preventing the recurrence of such conflicts. It is necessary to build solid foundations to enable countries that have experienced confrontation and intolerance to abandon forever their divided past and to build a harmonious and peaceful future.

It is within that framework that I should like to speak of the recent experience of Argentina. We regained our democracy in 1983 after a bloody dictatorship that committed flagrant violations of human rights and that carried out systematic murder and the forced "disappearance" of individuals, as well as torture and imprisonment aimed against dissidents and members of the opposition. Obviously, it also denied basic freedoms to all citizens.

As we emerged from that tragic period of authoritarianism, which caused grievous pain in broad sectors of society, there was a general feeling that it would be possible to build a future of peace and stability only on the basis of truth and justice concerning those horrible events. Here, it is important to note that when preparations began to put on trial the perpetrators, some voices — in general, those with links to the former dictatorship — resorted to the concept of "national reconciliation" to oppose demands for a search for truth and justice. They said that this was nothing more than an attempt at revenge and was based solely on ideological prejudice against institutions such as the armed forces. That attitude often served merely to guarantee impunity for crimes under the pretext of a noble idea such as reconciliation. All activities aimed at circumventing the implementation of the law failed and generated no reconciliation whatsoever, since reconciliation results from sincere repentance on the part of the perpetrators, judicial action and appropriate compensation to the victims.

We must remember that in Argentina, important steps were taken such as creating a truth commission — called the National Commission on Disappeared Persons — that shed light on a repressive past that had been partially hidden from society and that brought the principal military authorities to justice — facts that could serve as a guide for other post-conflict situations. Years later, important legislation was also adopted to compensate and indemnify the victims and their immediate families. However, despite that progress and as a result of pressures on the political authorities, various legal measures containing exemptions were promoted that ultimately guaranteed a certain degree of impunity to a large number of those involved in true crimes against humanity. In our experience, those initiatives fell far short of ensuring genuine reconciliation, as I said, and that is why the whole of civil society is urging the Government of President Kirchner to rescind a multitude of laws that prevented full justice in those cases. That process is currently under way in Argentina.

Because the complexity and special characteristics of each conflict situation make every national reconciliation unique, there is no one formula that guarantees success. But it is our conviction, based on our experience, that nothing lasting can be constructed unless it is based on applying the same law to everyone and on rejecting any type of pressure or collective threat aimed at exonerating those responsible for human rights violations.

Mindful of the scope of this subject, my delegation would like to confine itself to a few observations on lessons learned from recent reconciliation processes and on the role of the United Nations. Restoring mutual trust between the parties to a conflict requires that we clarify what happened in the past, identify those responsible for human rights violations and other atrocities, apply justice and establish compensation and restitution programmes for those who were the main victims of violence and injustice.

From my country's perspective — and here, I wish to touch upon what the representative of Human Rights Watch said to the Council in January — truth commissions have been useful mechanisms that have enabled us to irrefutably and objectively clarify the facts and have created a social awareness about the true scale and social impact of the violent past. The United Nations should and can provide advice about creating such commissions and can contribute to their establishment by facilitating dialogue among various sectors to achieve broad social acceptance of the mechanism.

With regard to adopting legal solutions aimed at clearing up grave crimes, the international community has been making significant progress for more than a decade. Its ultimate aim in creating the International Criminal Court, international and local tribunals with international components and of various innovative initiatives is to help restore trust. A basic premise for the success of those courts is that the method chosen must enjoy the broadest possible social consensus.

One of the lessons learned in the past few years is that national reconciliation cannot be imposed from outside. That is why the international community must

adopt a cautious approach and respect the principle that a genuine and lasting process must be generated within society. Notwithstanding that fact, the international community has an extremely important role to play by supporting and monitoring local reconciliation processes, offering advice and training, and providing material and human resources.

Finally, given the many experiences in this area and the differences and similarities among various national reconciliation processes, it might be a good idea for the Secretariat to consider establishing national reconciliation mechanisms to systematize the lessons that various nations have learned and to formulate recommendations for United Nations bodies with competence in this area. My country is fully prepared to share with Member States and the Organization what it has learned from its own terrible experiences.

The President (*spoke in Spanish*): I now give the floor to the representative of Burundi.

Mr. Nteturuye (Burundi) (*spoke in French*): I should like to congratulate you, Sir, on your assumption of the presidency of the Security Council and to express my best wishes for 2004.

The topic of today's debate, "Post-conflict national reconciliation: role of the United Nations", is of primary importance for countries that are emerging or in the process of emerging from civil war, such as Burundi. My delegation finds this discussion to be very timely, because a number of conflicts in Africa, for example, are civil wars pitting sons and daughters of the same nation against each other. Reconciliation is a national imperative, regardless of the painful efforts it imposes on enemy brothers and sisters.

But reconciliation must adapt to another imperative that is just as important: justice and the rule of law. In September 2003, during a public debate of the Security Council on the topic "Justice and the rule of law: the United Nations role", the Secretary-General, Mr. Kofi Annan, and the Under-Secretary-General for Peacekeeping Operations, Mr. Jean-Marie Guéhenno, addressed this issue. The Secretary-General said:

> "At times, the goals of justice and reconciliation compete with each other. Each society needs to form a view about how to strike the right balance between them. Nevertheless, in striking that balance, certain international standards must be adhered to." (*S/PV.4833, p. 3*)

Indeed, that right balance is difficult but not impossible to find.

My country, Burundi, has been engaged in a peace negotiation process for six years. The progress made since the signing of the peace agreement and the ceasefire agreements with the rebel groups gives us hope that the war will end in the near future. But Burundians are still decrying the situation of impunity for crimes imposed by the politicization and excessive polarization of society caused by the ethnic violence Burundi has experienced since independence. Many criminals are circulating freely in the country. Judicial services are demonized by some and idolized by others, which has seriously hindered the action of those services.

National and international human rights organizations believe that the weakest point in the Burundian peace process is the way in which the issue of fighting impunity is being pursued under the signed agreements. Today, the agreements grant provisional immunity to political leaders returning from exile and to belligerent forces. It is a political instrument of great importance, but the civilian population, the main victim of violence of all kinds, wonders whether this temporary amnesty will not be made permanent, because certain suspected individuals have great political ambitions. In the lead-up to the general elections scheduled to take place before 1 November 2004, Burundi is not safe from possible new tensions. It is caught between the duty of keeping to the timetable foreseen by the peace agreement and the need to have the minimum conditions required for organizing post-conflict elections. So how can we make sure that the candidates are honest people?

Another question is whether a country can successfully emerge from a crisis as serious as Burundi's without a minimum state of rule of law and the moral rehabilitation of the victims. The assistance of the United Nations can be decisive here.

As the level of trust among Burundians does not always allow them to organize an acceptable inquiry by themselves, the country still awaits the arrival of another international commission of judicial inquiry, which the Government requested of the United Nations on 23 July 2002. My delegation welcomes the fact that the Security Council has approved the terms of

reference for a Secretariat assessment mission, which should soon be sent to Burundi to prepare for the establishment of the commission of inquiry. The commission is cherished by the Burundians, as the members of the Council noted during their visits to Burundi. As well, the inquiry is one of the pillars of the peace agreement. The negotiators at Arusha also agreed to establish a Commission on Truth and Reconciliation with a mandate complementing that of the commission of inquiry. The process of adopting its regulating texts will conclude next February.

Despite the efforts of Burundians and the progress already made in seeking peace, the role of the United Nations remains indispensable, especially in the fight against impunity and in national reconciliation efforts. Burundians require support in seeking the truth about deeds and individuals. In a country where living conditions in the hills are identical for all ethnic communities and where the sharing of a common culture has forged a social cohesion as old as the single common language, the truth about the bloody crimes that mark the country's recent history constitutes the final road towards the survival of the nation.

Bringing to justice those responsible for major crimes such as acts of genocide, rape, violence against children and other war crimes, including those against humanitarian rights, helps to heal the wounds and prepare minds for forgiveness and reconciliation — so long as this is handled skilfully through traditional, national and mixed tribunals and other experiences from elsewhere that are applicable in Burundi. Reconciliation is not incompatible with legal action. That will lead to peace. To ignore that is to build on quicksand, to walk with a thorn in one's foot, to create a breeding ground for new grudges — at least in the case of Burundi. Burundi needs impartial and reconciliatory justice accompanied by a vast campaign of detoxification to eradicate ideas that kill. That is the surest way to establish reconciliation, rule of law and democracy in Burundi and the entire Great Lakes region, which still lives under the shock of genocide, whose roots have not yet been extirpated.

The United Nations can contribute to peace and reconciliation in Burundi by mobilizing the international community to improve the living conditions of the population, especially among those most affected by the war. The Security Council should be thanked for its mobilizing appeals addressed to financial backers. Those appeals have been heard, to judge by the success of the Forum of Partners for Development of Burundi, just held in Brussels on 13 and 14 January. The repatriated, the internally displaced, the demobilized combatants, child soldiers, the poor living on the hillsides — all need to be psychologically and materially rehabilitated in an equitable and sharing fashion. Without that, peace and reconciliation will be nothing more than a pious wish.

The Government of Burundi therefore counts on the United Nations, the universal Organization ensuring the values of peace, right and morality, to help Burundi and the surrounding region to build the future on solid bases enabling the flourishing of future generations and saving them from the scourge of war and hatred.

The President (*spoke in Spanish*): Before giving the floor to the representative of the Republic of Korea, I wish to remind delegations to limit their oral statements to five minutes; they may, of course, distribute their complete written statements. The average length of statements is double what was recommended. That means that with the large number of speakers still remaining, we could be here until 8 p.m. or later. I therefore call again on representatives to exercise their ability to summarize.

I give the floor to the representative of the Republic of Korea.

Mr. Kim Sam-hoon (Republic of Korea): In support of the Security Council's efforts to highlight the often-overlooked issue of reconciliation in post-conflict nation-building, the delegation of the Republic of Korea extends its appreciation to you, Mr. President, for convening today's open meeting.

While a mutually acceptable agreement between conflicting parties may symbolize a formal end to strife and violence, it has become evident in recent years that formal agreements often fall short of ensuring peaceful relations in post-conflict societies. Since the terms of such agreements are largely negotiated by an elite group of leaders, the vast majority of the society may not feel that the issues that fuelled the conflict have been sufficiently redressed. The resultant instability can cause a stalemate or a relapse into conflict. Thus, only when an agreement is underpinned by a spirit of reconciliation shared by all segments of the society can a genuine and lasting peace be secured.

The creation of reconciliation through the promotion of trust and mutual understanding in the aftermath of prolonged conflict is an essential, albeit daunting, task in the process of post-conflict nation-building. For reconciliation to take place, all conflicting parties must recognize its vital necessity, and an atmosphere of compromise and tolerance must dictate a new set of self-sustaining relationships. The United Nations, with its wealth of experience in building bridges of understanding between conflicting parties, has an indispensable role to play in this regard. We are therefore pleased to note the increasing number of Security Council resolutions that mandate a role for the United Nations in promoting national reconciliation.

While bearing in mind that reconciliation cannot be imposed upon a society from the outside, the United Nations has been able to help the victims of conflict to address their plight, bring estranged communities together and find ways for various parties to establish common ground.

Despite setbacks in Angola, the United Nations continues to assist both sides in resolving their differences and paving the way for national reconciliation. We further note that the Government of Guinea-Bissau has recently requested that the Security Council mandate be extended, so that the United Nations can continue to facilitate dialogue and reconciliation among all of the actors there. Moreover, it has become clear that the United Nations presence in Afghanistan will continue to be essential in helping to overcome the decades of intra-Afghan conflict. In this regard, we welcome the efforts that are being made to develop effective reconciliation processes with a view to establishing a multi-ethnic Afghan society.

Clearly, each instance of conflict requires a new approach that takes into account the cultural and historical context of the conflict. However, many common themes have run through the processes of reconciliation in Afghanistan, East Timor, Angola, Burundi and the Democratic Republic of the Congo. We are encouraged by the United Nations peace-building support offices' efforts to draw upon these lessons learned in order to provide an enabling environment for national reconciliation and dialogue. Moreover, the Special Representatives of the Secretary-General continue to play a key role in promoting confidence-building measures, mediating differences and establishing forums for constructive dialogue among warring parties. Additionally, the Special Representatives of the Secretary-General serve as effective coordinators among the various international actors on the ground, including the United Nations agencies. In particular, the Special Representatives of the Secretary-General in Myanmar, East Timor, Liberia and Afghanistan have made significant contributions to the promotion of national reconciliation.

While lauding the contributions that the United Nations has made to post-conflict societies around the world, we cite the need for exit strategies to be discussed at the Security Council from the early stages of mission development, so that peacekeeping resources may be deployed to the areas of greatest need. From the outset, one of the goals of peacekeeping missions should be to coordinate the various United Nations agencies, non-governmental organizations, local governments and civil society in guiding the country down the path to self-sufficiency.

As the Secretary-General aptly stated in June 2003 with regard to Liberia, while the United Nations remains committed to pursuing a resolution to the conflict, it is the country's leaders themselves who are ultimately responsible for making the difficult choices and compromises that will bring peace and stability to their people. The overarching purpose of reconciliation efforts is to ensure that the atrocities of conflict never beset that society again. As we have seen in the case of South Africa, post-conflict nation-building is an ongoing process out of which the pursuit of truth and reconciliation may eventually lead to the rebuilding of trust, confidence and hope in a society.

In the pursuit of truth and reconciliation, forums for transitional justice in which the perpetrators of violence are brought to justice are indispensable. The ad hoc international tribunals established to prosecute crimes in the former Yugoslavia, Rwanda and Sierra Leone constitute effective judicial forums that are actively helping to overturn the culture of impunity in these post-conflict societies. While judicial forums can help restore dignity to the victims through the condemnation of acts of violence and violations of human rights, the granting of amnesty can be equally important in overcoming the past. The right balance between leaving the past behind through amnesty and revisiting its injustices through prosecution must be struck so that post-conflict societies can build a shared future from the ashes of their divided past.

In conclusion, we hope that the Security Council will remain unswerving in its efforts to promote and support national reconciliation in a comprehensive and coordinated manner. As success in this regard will largely depend on the commitment of all stakeholders, including the international community, I assure you, Mr. President, that the Republic of Korea stands ready to make its contributions to this end.

The President (*spoke in Spanish*): I now give the floor toe the representative of Serbia and Montenegro.

Mr. Šahović (Serbia and Montenegro): Mr. President, I would like to join other speakers in thanking you for organizing this debate on national reconciliation in post-conflict situations and the role that the United Nations can or should play in that respect.

Indeed, the issue of reconciliation is crucial for my country and, for that matter, for the entire region of South-East Europe, parts of which have experienced a series of conflicts over the past decade. Unfortunately, there are also many other areas in the world where, in different circumstances and against a different background, reconciliation must be achieved as an element of post-conflict stabilization.

This brings us to the question of whether there is a set of general principles or a number of general steps to be taken in post-conflict situations to facilitate reconciliation and eventually achieve that objective. Certainly, a level of stability has to be introduced before practical steps towards reconciliation are attempted. Establishing security, including disarmament, demobilization and reintegration, is a basic precondition. Subsequently, in the process of post-conflict governance, institutions need to be put in place, the judiciary should begin to function and economic recovery has to be jumpstarted. There are certainly many other areas that post-conflict societies have to deal with along the way to national reconciliation. However, all these measures should be tailored to the actual needs and traditions of the country in question, taking into account the circumstances that triggered the conflict in the first place. Ready-made solutions cannot merely be imposed from the outside. A genuine internal process is necessary and local actors must take responsibility for pushing it forward.

My delegation aligns itself with today's statement by the European Union. Nevertheless, I would like to elaborate, from my national perspective, two examples relevant to the topic under discussion.

The first is the former Yugoslavia. Obviously, this is a complex situation, since peoples that once lived in one multinational society now need to achieve reconciliation in an inter-State context. Indeed, following the end of military operations in 1995, inter-State relations have improved. All countries involved, including mine, share the aspiration of joining mainstream European and Euro-Atlantic integrations. There is a realization that good-neighbourly relations must be developed in this process. In fact, the improvement of relations with neighbours is a top priority of my Government. The international community is encouraging this approach, which is very helpful. While much certainly remains to be done in order to further improve relations, concrete positive results are already visible.

However, on a different level, improvement is not so visible. Mistrust still prevails at the grass-roots level. There are different opinions on crucial questions of responsibility for what had happened. Perceptions differ on who were the victims and who the perpetrators. Basically, within and among the societies in question, an understanding of some sort needs to be reached on the causes and consequences of the conflicts and wars before substantial reconciliation can be sought.

In that regard, the role of justice is central. Of course, there is a tribunal established by the Security Council to prosecute persons responsible for serious violations of international humanitarian law in the former Yugoslavia since 1991. The aim, as stated in Security Council resolution 827 (1993), was to bring to justice those who were responsible for those violations, to contribute to the restoration and maintenance of peace and to contribute to ensuring that such violations are halted and effectively redressed. Some of the aforementioned aims have been achieved. True, some of the persons indicted are still at large and they must be brought to justice.

The question is what impact the Tribunal has had so far in terms of reconciliation. In my country, the Tribunal's work and practices have not, unfortunately, contributed much to the promotion of the cause of reconciliation. The reasons for that are many and complex, and I do not want to imply in any way that all shortcomings are on the side of the Tribunal. For

example, some aspects of the Tribunal's activities went beyond the stated aims of resolution 827 (1993), actually entering the sphere of domestic politics. Hence, the Tribunal has been and continues to be largely perceived by our public as a political tool rather than an instrument of justice. As a consequence, the work of the Tribunal has become a high-priority issue on the domestic political agenda, significantly overshadowing its role of bringing the perpetrators of crimes to justice. When political and legal questions mix and individual and collective responsibilities overlap, confusion is created that is harmful to any attempt at reconciliation.

We therefore believe that internal efforts to administer justice are of vital importance. The domestic judiciary is, in the long run, much better positioned to seek justice for victims. Domestic verdicts would be more easily accepted than those passed by international — that is, foreign — courts or tribunals. It is also necessary for Governments to promote strongly a culture of lawfulness if there is to be a hope of true reconciliation.

The second example is the province of Kosovo and Metohija in my country. Now in their fifth year under United Nations administration, ethnic communities remain as far apart as ever. Of course, their positions changed in a reversal of fortune following the 1999 intervention by the North Atlantic Treaty Organization, but they are still in confrontation and one of them — the Serbian community — is struggling to survive. Only symbolic numbers of refugees and internally displaced persons have returned and no perpetrators of crimes against non-Albanians have been brought to justice.

The underlying problem is that the United Nations Interim Administration Mission in Kosovo (UNMIK) has not yet succeeded in creating even basic conditions conducive to the opening of a political debate among the communities about the modalities for their coexistence in Kosovo and Metohija. Again, as in the previous example, there are many reasons for this failure, and they are very complex indeed. What appears to be clear is that much greater resolve and consistency are necessary on the part of UNMIK in order to begin, first, to create a safe environment for non-Albanians and fully to ensure their human rights, and then to include them meaningfully in political life. Half measures, leaning towards one side and neglecting the other, will just perpetuate the conflict between communities. When a degree of normalcy is introduced, a very long period of sustained, primarily domestically-generated effort will be needed if any reconciliation is to take place in Kosovo and Metohija.

Our experience points to several conclusions about the possible United Nations role in reconciliation processes. Reconciliation relies primarily on the existence of a strong political will among the parties to the former conflict to open such a process. This will should then be translated into a set of activities promoted and guided by the authorities. Civil society also has an extremely important role to play. However, the United Nations and other international organizations can assist in creating conditions conducive to reconciliation.

Understanding the nature of a conflict and healing are lengthy processes, sometimes spanning several generations. This fact alone is a serious limitation to United Nations involvement that the Organization needs to overcome if it wants to engage systematically in reconciliation activities. Crises emerge in various parts of the world, shifting attention from one place to another. At the same time, every United Nations operation, from the moment it is launched, contemplates an exit strategy.

The most valuable contribution the United Nations can make to post-conflict societies is helping them to rebuild as quickly as possible functioning political structures that offer the possibility of bridging various competing loyalties. Assistance in strengthening the rule of law in general, and specifically the judiciary, should be among the top priorities. The role of international justice is sometimes unavoidable. However, all efforts must be made to separate the administration of justice from domestic political considerations in countries under the jurisdiction of international tribunals or courts. The newly-established International Criminal Court has a potential to meet this requirement.

Bearing all this in mind, it might be useful to look at the possibilities of combining the capabilities of the United Nations and regional organizations in the field of assisting post-conflict reconciliation. The United Nations can provide the necessary assistance in the short to medium term, while regional organizations could in many respects be better positioned to engage in such an endeavour on a long-term basis. Such broad international support by the United Nations and

regional actors in strengthening institutions and a democratic base can help post-conflict societies to embark on a reconciliation process, to look for the truth and to go through often-needed catharsis.

The President (*spoke in Spanish*): I now call on the representative of Rwanda.

Mr. Kamanzi (Rwanda): On behalf of my delegation, let me extend to you, Madame, my appreciation for taking the commendable initiative of calling a meeting to discuss the very important issue of the role of the United Nations in post-conflict national reconciliation. This debate is timely and addresses an issue that is at the very heart of our Organization, as enshrined in Article 1 of the Charter of the United Nations.

Members of the Security Council will be aware that countries like Rwanda have faced considerable difficulties in dealing with the myriad challenges facing post-conflict communities — or, in our case, post-genocide communities — in terms not only of reconciliation and confidence-building measures between communities, but also of establishing a climate of peace and security, rebuilding governance structures and promoting economic and social revival or renewal.

While it is clear that the United Nations has a crucial role to play in post-conflict national reconciliation, it should also be clear that there cannot be a one-size-fits-all response, as has been mentioned by many speakers before me. Post-conflict situations vary, as do reconciliation challenges and the capacity of States to meet those challenges. The role of the United Nations must therefore also vary from one situation to another, but it should always be commensurate with our expectations and the obligations outlined in the Charter.

The challenges Rwanda faced in the aftermath of the genocide were particularly grave. By July 1994, of a population of 8 million people, over 1 million had been killed, two and a half million had fled to neighbouring countries and almost everyone else was internally displaced. All economic and social activity had ground to a complete standstill. The security situation in the country was, at best, fragile. Food production, as well as medical and other humanitarian services, were severely disrupted. This was the difficult environment in which Rwanda began the process of national reconciliation.

As the Security Council debates what the role of the United Nations in national reconciliation should be, we would like to draw attention to several aspects of our particular experience.

First of all, we learned that national reconciliation is a process that may last for many years, even generations. It is not an event that can be completed in weeks, months or a few years. For us, the reconciliation process began by creating an enabling environment in which reconciliation could take place in earnest. Creating an enabling environment involved such things as ensuring peace and security, the return of refugees and internally displaced persons to their homes, kick-starting normal economic and social activity, and improving access to medical and other humanitarian services. Crucially, we have also learnt that rebuilding local and national governance structures is an essential prerequisite for the success of the post-conflict reconciliation process. The United Nations has a wealth of experience in these activities. It can and should therefore play a key role.

Secondly, after creating the enabling environment, the Rwandan Government established a National Unity and Reconciliation Commission and charged it with the responsibility of organizing a series of open discussions focusing on what went so badly wrong with the politics and governance of our country. These discussions involved everyone in and out of the country, including civic and community leaders and elders, genocide survivor groups, professionals, farmers, students and even genocide suspects. We believe that these discussions triggered national soul-searching and enabled us to identify what went wrong and what we must do to ensure that the mistakes of the past are never repeated.

We believe that the United Nations could play a crucial supportive role here. Our experience has taught us, however, that national stakeholders must take ownership of the process, while the international community and the United Nations play a supportive role.

Thirdly, Rwanda has faced the particularly difficult challenge of promoting unity and reconciliation, while at the same time ensuring that those who committed crimes during the genocide are brought to justice. An important lesson that we have learned in this respect is that justice is crucial for the reconciliation of the perpetrator and the victim.

Reconciliation is not always best realized by amnesty or forgiveness. In our case, justice was also important in order to eradicate the culture of impunity that had for so long been a feature of Rwandan life. Justice is also aimed at the rehabilitation of the offenders, thereby making reconciliation between them and the victims possible.

In this regard, our conviction is that the United Nations should play a vital role in ensuring that appropriate assistance, in terms of resources and expertise, is provided for national efforts to achieve effective reconciliation and justice.

The United Nations also has a clear role to play in ensuring that the international justice institutions mandated to handle post-conflict cases are efficient, cost-effective and morally and ethically based.

We fully agree with the representative of Peru in emphasizing the role the United Nations should play with regard to compensating innocent victims as a matter of social justice.

Fourthly, genocide took place in Rwanda following decades of deficient politics and deficient governance. We felt that, in order for reconciliation to take place, there needed to be a sense that measures were being put in place to ensure that genocide would not occur again in the country. Governance reform therefore became a vital component of the reconciliation process. A new political dispensation, with transparent, democratic, decentralized and empowered governance structures was put in place to ensure that genocide and systematic State-inspired terror would never happen again. The United Nations can play an important supportive role here, too, but again it is critical that national stakeholders take the lead.

Fifthly, economic recovery and development are also important for reconciliation. The United Nations can play a leading role in mobilizing international financial and technical support to ensure that there is a peace and reconciliation dividend in terms of economic growth, jobs and an improved quality of life.

Finally, I would like to underline the importance of leadership in the process of reconciliation. The reconciliation process is possible in Rwanda because we have leadership with vision — leadership that does not necessarily seek short-term, popular solutions to complex problems. National reconciliation should be seen as primarily the responsibility of the particular country. Ownership of the reconciliation process by national stakeholders is crucial to the success of the process. There is clearly an important supportive role for the United Nations, particularly in creating an enabling environment for reconciliation and in mobilizing international support for post-conflict economic recovery. Although the role of the United Nations was not equal to the challenge in the case of Rwanda, it is our hope and expectation that this will not be the case in other situations of conflict around the globe.

The President (*spoke in Spanish*): The next speaker is the representative of Mexico, on whom I now call.

Mr. Pujalte (Mexico) (*spoke in Spanish*): First of all, I would like to express the satisfaction of my delegation at seeing you, Madam, presiding over this meeting of the Security Council. This is a clear demonstration of the interest of your country in sharing its experiences and establishing new and lasting forms of national reconciliation.

In September, the Security Council had an opportunity to examine the general theme of justice and the rule of law. Now, thanks to the leadership of Chile, it has decided to analyse the specific issue of national reconciliation in post-conflict situations. That issue is of key importance for the success of any strategy aimed at achieving peace and security at a given time and place.

The first element that must be highlighted is the fact that, in the context of the current international system, mechanisms aimed at achieving reconciliation and justice in transitional regimes are gaining in importance as necessary tools for the achievement of peace and security, which, in turn, can be strengthened and take root, in a lasting manner — provided that such mechanisms are set up in conformity with international law and that they are truly aimed at the promotion of reconciliation, the prevention or resolution of disputes and the provision of appropriate compensation for the victims.

A second element is the fact that national reconciliation can be approached from a number of different perspectives. It can be seen as being necessarily linked to the idea of meting out criminal justice so as to prevent impunity; as complementary to criminal justice mechanisms; as independent of them;

or as in conflict or antagonistic to such mechanisms. In this respect, the perspective adopted by any national reconciliation effort will depend, to a considerable extent, on the context and the specific situation in which it is applied.

It is clear that there is no one model; each society must be flexible in considering which formula is most appropriate, taking into account its historical, political and legal tradition and ensuring that such reconciliation mechanisms can genuinely contribute to compensating the victims of a conflict.

Thirdly, while there has been progress with regard to such mechanisms, a great deal remains to be done in order to fully develop and perfect them. To date, the international community has been trying various configurations and is seeking the optimum combination. We are still at an experimental stage, but we see some positive trends.

Basically, the option chosen will depend on the approach that is to be taken. If pride of place is to be given to political means of achieving national reconciliation, then amnesty, exoneration, investigation and the establishment of truth commissions are the mechanisms used. In such cases, it is believed that making public the facts and the illicit actions committed, as well as the names of the perpetrators, is a significant step towards providing satisfaction for the victims and maintaining social peace. In such situations there have also been purges to prevent the perpetrators from ever again reaching a position of power.

The other approach is based on criminal justice — the prosecution and punishment of those accused of grave violations of human rights. The perpetrators can be held accountable through the establishment of individual or group criminal responsibility, outside of the criminal justice system but in the context of mechanisms that are open to public scrutiny, or through a combination of those approaches. Sierra Leone provides a good example of this, as it has been able to combine a special tribunal and a truth and reconciliation commission. The delicate balance among the objectives of justice must always been borne in mind with a view to preventing impunity and achieving national reconciliation. It is for each society to decide whether it wishes to achieve reconciliation through the criminal justice system or by recourse to other mechanisms.

If a truth commission is chosen, it must help to create a faithful account of events, based on information from the victims and the perpetrators, so as to make it possible to arrive at a well-balanced history of the society in question and to establish a positive attitude towards the future.

Despite all of these factors, this is an area in which States have the flexibility to try different configurations and, in fact, create entirely novel systems for their own specific situations.

There is no doubt that the role of criminal justice is of great relevance and that at times it is the best instrument for prosecuting persons with the greatest responsibility for the most serious crimes. We are encouraged by such examples as the former Yugoslavia, Rwanda, Sierra Leone and Timor-Leste, and by the internal machinery that has been set up in Bosnia and Herzegovina. In this respect, the International Criminal Court can also make a significant contribution to bringing about peace and reconciliation in States parties to the Rome Statute.

However, all of these aspects must dovetail with the realities of a society that is intent on succeeding, and it must be determined whether it is in the interests of justice for such a society to decide to use mechanisms other than judicial ones.

Amnesties, to which certain societies have resorted, must be used with extreme caution and only where there is a genuine need for them. There has to be democratic consensus and a series of prior considerations, such as the existence of alternative mechanisms for the attribution of guilt.

Immediate expectations for a process of national reconciliation involve the creation of a climate that is conducive to peace, the restoration of fair and democratic institutions, the flourishing of an independent and impartial legal system, the development of human rights, and the existence of minimum guarantees for social coexistence. All of this will help to build an environment of confidence and security that can contribute to the development of a society that is emerging from a post-conflict situation. For that reason, financial institutions devoted to the promotion of development should envisage the provision of resources in those areas.

From our point of view, there are more questions than answers in all these cases. But what is certain is

that the United Nations has a crucial role to play in guiding and supporting these processes in cases when a State is making genuine efforts towards a genuine and lasting reconciliation. This is consistent with the purposes and principles of the United Nations and in particular with the promotion and maintenance of international peace and security.

The President (*spoke in Spanish*): I thank the representative of Mexico for the kind words he addressed to me.

The next speaker is the representative of Liechtenstein, to whom I give the floor.

Mr. Wenaweser (Liechtenstein): The subject before us today is, to some extent, linked to that of the open debate on justice and the rule of law held last September, but it certainly deserves our attention in its own right. Because the issue of reconciliation is almost overwhelmingly multifaceted, it is therefore a pragmatic necessity to focus our discussion on the role of the United Nations.

While the United Nations has in recent decades contributed on many occasions to the transition from armed conflicts to post-conflict situations, the focus has traditionally been on the first stages of the transition process: peacemaking, peacekeeping, especially peace-building, and, increasingly, on aspects of individual transitional justice. National reconciliation, on the other hand, is a long-term process that requires a sustained commitment going far beyond those initial stages. It is a process that is not primarily directed at determining individual responsibility, but, rather, at overcoming the root causes and underlying structures of a conflict, and thereby preventing its resurgence.

Reconciliation addresses the political and societal levels of conflict and is therefore clearly different from individual justice, which can at times even divert attention from the collective level of the process. Reconciliation is also a far more complex undertaking than the delivery of individual justice, and it is much more deeply linked to the very specific circumstances of a conflict situation as well as to the structure of the societies involved.

Thus, while reconciliation processes as such promote the primary purpose of this Organization — namely the maintenance of international peace and security — it does not automatically follow that the United Nations must always play an instrumental role in such processes. Each and every situation must be looked at individually, assessing the need for United Nations involvement in the light of current circumstances, bearing in mind previous experiences as well as the distinctive nature of the situation under consideration.

Reconciliation cannot be imposed, as the Secretary-General rightly pointed out in a report to the Council two years ago. Instead, it must originate from within the societies involved. Each post-conflict society must find its own avenues of reconciliation and feel ownership of the process if the latter is to have the desired long-term effect. In most cases, the United Nations will therefore play a role of assistance in such processes, according to the prevailing circumstances.

Ownership is also a key concept when it comes to striking a balance between the ideals of justice on the one hand and reconciliation on the other. In some cases, these two are simply complementary. To our mind, justice must always be rendered for the most serious crimes under international law, as defined in the Rome Statute of the International Criminal Court, and there must be no amnesty for such crimes. But very often, these are two competing ideals, and the society concerned must make a decision — invariably a painful and difficult one — on how a balance can be struck for its specific purposes. Again, the United Nations and other organizations can very usefully assist in such processes.

This also provides a framework for concrete action to be undertaken by the Organization, apart from activities in the context of peace-building which foster the preconditions for reconciliation in an indirect manner. The United Nations can act as a catalyst for post-conflict reconciliation processes and help societies find their way to lasting reconciliation while adopting a flexible approach.

In this regard, impartiality with regard to the different groups and interests involved is crucial if an outside actor is to contribute to the long-term success of the process. It is thus the United Nations that can assist post-conflict societies through its expertise, for example by providing an analysis of best practices from other countries and concrete technical assistance. It can assist in the concrete set-up of particular mechanisms and institutions, such as Truth and Reconciliation Commissions — tailored to the needs

of, and finally to be governed by, the society in question — and offer cooperation through its often already established presence on the ground. Such cooperation can extend in particular to the provision of relevant data and evidence, in support of the search for truth.

Such assistance must be based on a substantial, in-depth knowledge of all the relevant political, cultural, historical and other parameters of the situation. Therefore, increasing the analytical capacities of the United Nations, in particular within its Secretariat, is an important step towards a strengthened role of the Organization in post-conflict reconciliation.

Liechtenstein has great interest in such increased capacity, and has in the past supported similar initiatives, such as efforts directed at establishing a peace-building unit within the Department for Political Affairs. Furthermore, capacity-building within the United Nations should not be conducted in a vacuum, but should benefit from the great attention that the academic world has devoted in recent years to all aspects of post-conflict societies, as well as from the experience and expertise of other international and regional organizations.

An increased expert-level capacity on issues of reconciliation must evidently be complemented by an increased awareness of such issues at the decision-making level of the United Nations. Reconciliation must be the final goal of all multilateral efforts in conflict situations, and decisions made at earlier stages of a transition must be carefully thought out so as not to hamper the inception of such processes. We all must, therefore, increase our sensitivity with respect to these questions.

Today's debate is an important step in that direction, and we thank you in particular, Madam President, for this initiative. We look forward to future activities on this issue.

The President (*spoke in Spanish*): I thank the representative of Liechtenstein for the kind words he addressed to me.

The next speaker is the representative of Nigeria, to whom I give the floor.

Mr. Ndekhedehe (Nigeria): We thank you, Madam President, for organizing this debate and for providing my delegation with the opportunity to participate.

The major obstacle to sustainable peace and economic development is the international community's inability to grapple with cases of post-conflict national reconciliation in societies emerging from conflict. It will be recalled that, following the withdrawal of the United Nations Observer Mission in Liberia in 1997, the Security Council endorsed the Secretary-General's recommendation and established the United Nations Peace-building Support Office in Liberia (UNOL) in November 1997. UNOL's primary responsibility was to assist the then Government to consolidate peace and stability in that country. To some extent, UNOL facilitated the promotion of national reconciliation and good governance and helped to mobilize international support for the implementation of reconstruction programmes in the country. It assisted the Government of Liberia in addressing its capacity needs in the areas of human rights and the holding of elections, as well as in the development of a peace-building strategy integrating political objectives and assistance and human rights programmes. Those were commendable contributions by the United Nations in a post-conflict reconciliation effort. Unfortunately, it was the apparent inability of the then combatants to fully and faithfully embrace ethnic reconciliation that led to the resumption of hostilities in Liberia. The point being made here is that it is imperative for the leadership of countries emerging from conflict to embark on genuine reconciliation programmes in order to ensure durable peace and sustainable development.

The appointment by the Secretary-General of a Special Representative and an International Contact Group on Liberia facilitated post-conflict reconciliation in that country. We therefore urge the United Nations to continue with that strategy. The United Nations should also continue to assume the responsibility for the coordination of the activities of its agencies and support the emerging national arrangements. It should also assist in the deployment of United Nations troops and in the provision of humanitarian assistance, as those are major ways to ensure post-conflict reconciliation.

Another vital area worthy of mention is effective disarmament, demobilization and reintegration (DDR), especially the rehabilitation aspect. In our view, it was faulty DDR that led to the collapse of the first United Nations peace mission in Liberia. The United Nations should therefore mobilize adequate resources to provide for ex-combatants in order to facilitate their

reintegration into civilian life by empowering them with basic skills. In that connection, it is important for United Nations agencies to train ex-combatants so that they can be gainfully employed. That way, their return to the bush to fight will no longer be attractive. Donors, for their part, should provide official development assistance to supplement United Nations efforts.

Pervasive poverty and the generally weak economic situations in most developing countries are often responsible for the exacerbation of conflicts. Most countries emerging from conflict are still characterized by massive unemployment, high mortality rates and low levels of infrastructure development. Thus, for any meaningful reconciliation to endure, particular efforts must be made to address not only political problems, but also economic and social problems, thereby encouraging such countries to engender political and economic stability.

In that regard, while we recognize the active involvement of United Nations bodies in the areas of national reconciliation, capacity-building, economic management, health, education, agriculture, food security and poverty strategies in countries emerging from conflict, we believe that much can still be done. The positive role played by the United Nations Development Programme (UNDP) in Afghanistan in addressing those issues is quite commendable. We therefore call for the application of that role in other countries emerging from conflict. In doing so, UNDP should, inter alia, develop assistance programmes in collaboration with the International Monetary Fund, the World Bank and other providers of financial and technical assistance. We should identify the needs of such countries and ensure the delivery of such assistance.

The conflict in Liberia resulted in serious violations and abuses of human rights and humanitarian law and in deliberate and habitual killings, torture, abuse and violence against women and children. Since the interim administrations in most post-conflict situations lack the capacity to address the needs of the victims of such atrocities, the United Nations should provide them with assistance. Such assistance should include the provision of security during the election process to ensure the free movement and participation of people before and during elections. That is crucial, given the known neutrality of United Nations peace missions in such contexts. We are all aware of circumstances in which the suspicion of rigged elections eventually led to violence and war. The United Nations and the rest of the international community should therefore avoid any repetition of such a situation.

Since most infrastructure of the State is usually destroyed during conflicts, reconciliation efforts should also focus on rehabilitating the health sector, on providing food and assistance and on reactivating the judiciary to ensure the rule of law. Efforts should also be made to ensure the establishment of a reliable and integrated army, which should be representative of all the ethnic populations in the country. In that regard, it is important for the United Nations and the rest of the international community to assist countries emerging from conflict by providing technical assistance for the reactivation of the judiciary, the rule of law and the infrastructure.

The proliferation of small arms and light weapons constitutes a major impediment to the peace, stability, security and economic development of most developing countries, especially in Africa. Such arms continue to have devastating consequences on the African continent, given their capacity to fuel, intensify and prolong conflicts. We therefore welcome the establishment of an open-ended working group to develop an international instrument that will enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons. In our view, that will facilitate post-conflict reconciliation through the reduction and control of small arms, which in turn will ensure that unauthorized persons no longer have easy access to such arms.

On the issue of the appropriate time to withdraw United Nations forces after the cessation of conflict, it is our view that such withdrawal should be gradual and staggered. The case of Sierra Leone is a good example of the wisdom of ensuring the presence of United Nations troops for a reasonable length of time until relative peace and stability can be established. That would help in the reconciliation process.

The United Nations has a formidable role to play in post-conflict reconciliation, given its neutrality and its resources. The world body has indeed shown a creditable determination to succeed in containing this situation. We have urged the United Nations to do more and to live up to its responsibility of maintaining international peace and security and ensuring the

economic and social development of Member States, especially those emerging from conflicts.

In conclusion, my delegation takes this opportunity to express its appreciation to the United Nations for its efforts towards national reconciliation after conflicts. Nigeria will continue to support the United Nations in this endeavour.

The President (*spoke in Spanish*): I now give the floor to the representative of Côte d'Ivoire.

Mr. Djangone-Bi (Côte d'Ivoire) (*spoke in French*): My delegation thanks you, Madam President, for organizing this interactive debate on the item entitled "Post-conflict national reconciliation: role of the United Nations". With your permission, I shall take this opportunity to convey the sincere congratulations of Côte d'Ivoire to the new members of the Security Council: Algeria, Benin, Brazil, the Philippines and Romania. I also thank Mr. Kalomoh, Assistant Secretary-General for Political Affairs, Ms. McAskie, Deputy Emergency Relief Coordinator, and Mr. Malloch Brown, Administrator of the United Nations Development Programme, for their introductory statements, which shed a very instructive light on the question on the agenda. Finally, Madam, in response to the concern you expressed at the start of the meeting, I shall limit myself to presenting a extract from my statement, which will be distributed in its entirety in the Chamber.

The Secretary-General noted in his report on the causes of conflicts and the promotion of lasting peace and development in Africa (S/1998/318) that the current conflicts, in particular in Africa, are generally internal. There are no less often a function of the dynamic of a subregion and of the role that certain African Governments play in supporting, sometimes even instigating, conflicts in neighbouring countries. In many cases, they even have important international dimensions because external efforts to bolster or undermine African Governments did not disappear at the end of the cold war. The sources of conflict in Africa reflect that diversity and complexity.

Hostilities come to an end when mediating initiatives enable the parties to a conflict to agree on provisional arrangements generally for sharing political power, dividing up economic resources and dealing with certain sociocultural concerns. We not that such mediating initiatives meet with lasting success only when the mediators demonstrate complete neutrality throughout the negotiations on the peace agreement and discredit any attacks on the established constitutional order.

The role of the United Nations is important in this critical phase in which the urgency of a ceasefire and reaching a peace agreement leave the mediator open to the always feared risk of being accused of partiality. The United Nations, with patience and know-how, must lead the preparations of the peace agreement without making the parties concerned feel as though they were being led by the nose or being placed under supervision. At the same time, the Organization is called upon to administer refugees and the displaced and extend humanitarian assistance. Reconciliation, begun by the negotiations, is pursued while adapting to the circumstances. It becomes a long and laborious process of peace-building and national reconciliation which will see the prompt implementation of decisions made at the end of the conflict in order to prevent a renewal of hostilities, consolidate peace and undertake economic recovery and lasting development.

Post-conflict national reconciliation is the great challenge for the women and men of a country emerging from conflict and remains an undertaking in which the international community is both foreman and labourer. Once a peace agreement has been reached, such as the Linas-Marcoussis Agreement for the conflict in Côte d'Ivoire, it must be implemented by the parties with complete sincerity, humility and a relentless demonstration of their resolute will for reconciliation and cooperation. Of course, the continuity between conciliation and reconciliation and the length and comprehensiveness of the process require a similar effort by the United Nations.

To conclude, I would like to make a brief comment on the decision of the President of the Republic of Côte d'Ivoire to submit to a referendum two essential changes included in the Linas-Marcoussis Agreement, because wrongly interpreting that peace agreement could negatively impact on the reconciliation process under way. The report of the recent mission to assess the situation in Côte d'Ivoire states that "it should be noted that only the amendment of article 35 [of the Constitution] is constitutionally mandated to be submitted to a referendum" (*S/2004/3, para. 28*). That affirmation does not at all seem to follow from an understanding of article 43 of our Constitution, a constitution that is recognized by the

Linas-Marcoussis Agreement and by the Security Council, and which stipulates that

> "the President of the Republic, after consultations with the Bureau of the National Assembly, can submit to a referendum any text or question which he considers to require direct consideration by the people. When the referendum concludes the adoption of the text, the President of the Republic shall promulgate it within the time-span foreseen in the preceding article."

The Linas-Marcoussis Agreement makes no mention of either a referendum or any particular method of adopting texts relative to agreed reforms. That eloquent silence is justified only by the need to apply the rules set out in the Constitution, which was adopted by a majority of more than 86 per cent in a referendum that was recognized by the international community. Thus, as everyone agrees, the amendment of article 35 of the Constitution, on the eligibility of the President of the Republic, must first be adopted by a two-thirds majority in the National Assembly and then submitted to a referendum.

The law on rural land tenure and nationality are very important, as noted by the Secretary-General in his most recent report on Côte d'Ivoire (S/2004/3). These questions are mentioned as causes of conflict now being resolved, while the current law on rural land tenure, for example, was adopted by the National Assembly only after delegations of its members consulted each department of the country in order to gather the opinions of the population they represent. This realism on the part of the parliamentarians is an irrefutable sign of the people's demand for direct consultation on all questions touching upon those issues. Only a referendum will contribute to the strengthening of democracy, which the Security Council ardently promotes.

With the finalization of the deployment of the troops of Operation Unicorn in northern Côte d'Ivoire, France and the rest of the international community have completed the preparatory measures to undertake genuine national reconciliation in Côte d'Ivoire. My delegation here wishes to pay a solemn and resounding tribute to France — and to the United Nations, which has here demonstrated the irreplaceable role of the United Nations in post-conflict national reconciliation.

Côte d'Ivoire — which is emerging with difficulty from the most serious crisis of its history thanks to the United Nations, the European Union, the African Union and the Economic Community of West African States — can now testify to the outstanding role of the United Nations in post-conflict national reconciliation, to which our country bears living witness.

The President (*spoke in Spanish*): I now give the floor to the representative of Afghanistan.

Mr. Farhâdi (Afghanistan): Madam President, the Afghan delegation would like to thank you for convening this open debate on this subject, of which a typical example is Afghanistan.

I will speak very briefly and only about the case of Afghanistan.

Today marks an historical date in the recent history of the country. Today, President Karzai signed the new Constitution of Afghanistan, which was adopted by the Constitutional Loya Jirga on 5 January, 2004. The constitutional Grand Assembly, which convened in Kabul from 14 December to 4 January 2004, was comprised of all of Afghanistan's ethnic groups and segments of society. This constitution provides for the establishment of democratic structures based on democratic principles and values. Furthermore, additional provisions assure equal rights among men and women, freedom of expression, political pluralism, free and fair elections and the full participation of women in the political, economic and social spheres of the country. This major event marks another step in the implementation of the agreement brokered by the United Nations and signed in Bonn by the Afghan parties on 5 December 2001.

The adoption of the new Afghan Constitution also proved the capacity of Afghans to agree on major issues related to national reconciliation. The current circumstances in Afghanistan differ greatly from those that existed during the inter-Afghan Bonn conference of December 2001. By now, the issues of reconstruction and rehabilitation, including disarmament, demobilization and reintegration, require an international meeting in which donor countries and donor institutions will decide on enhancing international assistance to Afghanistan.

The fact-finding mission of the Security Council to Afghanistan, so ably led by Ambassador Pleuger of Germany in November 2003, played a vital role in raising the United Nations awareness of the importance

of the sustained international assistance required by Afghanistan.

One of the main characteristics of Afghanistan's peacemaking process was the participation of all Afghan political groups representing the major political parties of Afghanistan. In this regard, the efforts of the United Nations, as an impartial international body, in brokering such a gathering and facilitating the drafting of the blueprint in close consultation with Afghan groups, represents yet another major achievement of the United Nations. We should also emphasize here the genuine and honest political will expressed by Afghan political groups for the success of the reconciliation process and the consolidation of peace and security in Afghanistan.

Despite much progress since the signing of the Bonn Agreement in December 2001, Afghanistan continues to face many challenges. The pace of reconstruction in the country is not satisfactory, poverty and deprivation have pushed thousands of farmers to cultivate the lucrative poppy crop and desperate attempts by some remnants of the former Taliban and Al Qaeda, aimed at destabilizing the success of the Transitional Government, continue.

These challenges require a strong international commitment to the rehabilitation and reconstruction of Afghanistan. The provision of means and assistance to the reconstruction process would have a marked effect on stability and security in Afghanistan, thus contributing highly to the successful holding of the presidential and parliamentary elections, scheduled for June 2004.

The President (*spoke in Spanish*): I now give the floor to the representative of Cameroon.

Mr. Tidjani (Cameroon) (*spoke in French*): Madam President, my delegation would like to begin by telling you how pleased we are to see your country presiding over the Security Council in January of 2004 and to see you personally chairing our meeting. We are grateful to you for your initiative in organizing an open debate on post-conflict national reconciliation and on the role that the United Nations is called on to play in that regard.

This is, indeed, a particularly important theme for the larger United Nations family, and my country is pleased to have the opportunity to take the floor in the debate on this question. As we saw during my country's term in the Security Council, which has just ended, this body, which has the primary responsibility for the maintenance of international peace and security, is devoting most of its time to considering conflict situations and crises throughout the world and to finding solutions to them that are just and lasting.

In regard to Africa, most of these conflicts and crises, depending on the specific case, pit ethnic groups, factions, militias, armed groups and Government and rebel forces against one another. The quest for solutions to these conflicts and to such crises necessarily requires identifying their root causes. In this regard, the report of the Secretary-General on the causes of conflict in Africa sheds light on the full spectrum of causes of the conflicts that are tearing apart many African countries, such as poverty, bad governance, inter-ethnic strife and struggles for power and the control of wealth.

This shows, then, the diversity of these causes and the specific nature of these conflicts; but whatever the specific causes of a particular conflict, national reconciliation is at the very heart of the quest for possible solutions. The United Nations, because of its immense experience in managing conflicts, thus plays a basic role in promoting national reconciliation in countries torn apart by conflict. Without national reconciliation, it is impossible to restore the normal functioning of institutions and guarantee the basis for a modern, democratic State that respects rights and freedoms.

My delegation would like to pay tribute to United Nations activities in this regard. Indeed, there are many examples of this on the African continent, such as Angola, Central African Republic, Democratic Republic of Congo, Congo, Burundi, Chad and Sierra Leone.

The United Nations, through various main bodies and specialized agencies, is making laudable efforts for national reconciliation. The promotion of such reconciliation encourages actors to agree to settle their disputes peacefully and to ensure the prevalence of dialogue and power-sharing over the temptations of confrontation, vengeance and violence. It can also take the form of the implementation of economic and social projects; support for the establishment of institutions, a national army incorporating different factions and ethnic groups, and an electoral process; the implementation of the disarmament, demobilization,

reintegration and repatriation or resettlement of ex-combatants; demining; the resettlement of refugees and displaced persons; the rehabilitation of infrastructure; and assistance for economic recovery and reconstruction.

Furthermore, Ambassador Abdallah Baali of Algeria this morning clearly identified the post-conflict role of the United Nations by referring to the Millennium Declaration. Any enhancement of that role will require an increase in resources allocated to reconciliation efforts and improved cooperation in the activities of the structures of the Organization. Indeed, we constantly deplore the lack of resources necessary to the implementation of operations in several countries emerging from conflict. In Africa, the examples are many in that regard.

It is also absolutely essential that, from the very onset of a conflict, mediation efforts focus on the ways and means of promoting national reconciliation. Diligent activity in that regard can only help to hasten the end of a conflict. Moreover, we feel it to be crucial at a very early date closely to involve civil society in the quest for solutions to a conflict and to promote national reconciliation. In particular, in Africa, women and young people — the primary victims of armed conflict — always and quite rightly call for greater involvement in peace processes and in the search for appropriate ways and means to promote national reconciliation.

The United Nations can and must also play a role as a catalyst for and coordinator of the activities of other members of international society — States, non-governmental organizations, humanitarian associations and regional and subregional organizations — that contribute to a return to peace and security and the promotion of national reconciliation.

The problem of impunity must also be addressed in that framework. Indeed, it is absolutely necessary to reconcile the desire for national reconciliation with the campaign against impunity. Can we allow, in the name of national reconciliation, those who are responsible for massive violations of human rights and other crimes against humanity to escape justice? Moreover, we believe that the provision of justice to the victims of many atrocities in contemporary conflicts can guarantee genuine and lasting national reconciliation.

We agree nevertheless with the statement made this morning by the Assistant Secretary-General for Political Affairs, Mr. Kalomoh, that there is a need to be pragmatic in finding a settlement process for every conflict that is viable, appropriate and enduring.

In conclusion, I would stress — as many representatives have done before me — that, however important it may be, the activity of the United Nations and the international community will never be sufficient to ensure genuine national reconciliation. Indeed, without the sincere and lasting dedication of the various actors to the cause of peace and harmony — without their genuine understanding of the virtues of dialogue, reconciliation, power-sharing, compromise and forgiveness — the efforts of the United Nations and the international community will be futile.

It is therefore necessary for the parties to a conflict to become fully aware of that need, demonstrate determination and courage, and agree to make the necessary efforts for tolerance and dialogue if they are to establish for their sorely-tried peoples an environment of peace, security, justice, prosperity for all, and respect for human rights and democratic principles — in a word, an environment conducive to their prosperity and well-being. National reconciliation is thus a long-term endeavour that cannot be determined in advance and that requires the unflagging support of the United Nations and the international community.

The President (*spoke in Spanish*): As a result of the consultations held among members of the Council, I have been authorized to make the following statement on behalf of the Council:

> "The Security Council met on 26 January 2004 to consider 'Post-conflict national reconciliation: role of the United Nations'. Members expressed their respective views and understandings on, and reaffirmed the vital importance of this matter, stressing the necessary close cooperation needed in the United Nations system, including the Council, on this issue.
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> "The statements underscored the important tasks that must be addressed in post-conflict situations in order to reach the goal of national reconciliation, as well as the relevant experience and expertise that exist within the United Nations system and in the Member States.

"Members considered that it would be appropriate to examine further how to harness and direct this expertise and experience drawn up from several key areas, so that it would be more readily accessible to the Council, to the wider United Nations system and membership, and to the international community as a whole, so that the lessons and experience of the past could be, as appropriate, learned and built on.

"The Council invites the Secretary-General to give consideration to the relevant views expressed in this debate in preparation of his report on the role of the United Nations in justice and the rule of law.

"The Council invites all Members of the United Nations, and other parts of the United Nations system with relevant experience and expertise to contribute to this process."

This statement will be issued as a document of the Security Council under symbol S/PRST/2004/2.

There are no further speakers on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 7.10 p.m.